

## APPOINTMENTS IN THE NAVY.

Frederick W. S. Dean, a citizen of South Carolina, to be an assistant surgeon in the Navy from the 26th day of January, 1903, to fill a vacancy existing in that grade on that date.

Richard L. Sutton, a citizen of Missouri, to be an assistant surgeon in the Navy from the 26th day of January, 1903, to fill a vacancy existing in that grade on that date.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 29, 1903.*

## SECRETARY OF HAWAII.

George R. Carter, of Hawaii, to be secretary of the Territory of Hawaii.

## PROMOTION IN THE MARINE CORPS.

Second Lieut. Lee B. Purcell, United States Marine Corps, to be a first lieutenant of the Marine Corps from the 23d day of July, 1901.

## APPOINTMENTS IN THE NAVY.

Ernest H. Brownell, a citizen of Rhode Island, to be a civil engineer in the Navy from the 24th day of October, 1902.

Ernest R. Gayler, a citizen of Missouri, to be a civil engineer in the Navy from the 24th day of October, 1902.

Paul L. Reed, to be a civil engineer in the Navy from the 28th day of October, 1902.

## PROMOTION IN THE NAVY.

Lieut. Joseph H. Rohrbacher, to be a lieutenant-commander in the Navy, from the 7th day of November, 1902.

## COLLECTOR OF CUSTOMS.

George L. Smith, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey.

## POSTMASTERS.

## FLORIDA.

John H. Hibbard, to be postmaster at De Land, in the county of Volusia and State of Florida.

## GEORGIA.

Jane A. McKinney, to be postmaster at Blackshear, in the county of Pierce and State of Georgia.

## ILLINOIS.

John S. Goodyear, to be postmaster at Mattoon, in the county of Coles and State of Illinois.

## IOWA.

Henry T. Swope, to be postmaster at Clearfield, in the county of Taylor and State of Iowa.

Henry Barnes, to be postmaster at Elliott, in the county of Montgomery and State of Iowa.

J. Ken Mathews, to be postmaster at Mediapolis, in the county of Des Moines and State of Iowa.

Henry C. Hill, to be postmaster at Milton, in the county of Van Buren and State of Iowa.

Charles C. Burgess, to be postmaster at Cresco, in the county of Howard and State of Iowa.

## MARYLAND.

George E. Baughman, to be postmaster at Westminster, in the county of Carroll and State of Maryland.

Sewell M. Moore, to be postmaster at Cambridge, in the county of Dorchester and State of Maryland.

## NORTH DAKOTA.

Charles L. Mitchell, to be postmaster at Jamestown, in the county of Stutsman and State of North Dakota.

William J. Hoskins, to be postmaster at Rolla, in the county of Rolette and State of North Dakota.

Ole Roland, to be postmaster at Bottineau, in the county of Bottineau and State of North Dakota.

Frank Sims, to be postmaster at Willow City, in the county of Bottineau and State of North Dakota.

Charles H. Potter, to be postmaster at Enderlin, in the county of Ransom and State of North Dakota.

## PENNSYLVANIA.

John G. McCamant, to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania.

## SOUTH DAKOTA.

Thomas B. Roberts, to be postmaster at Armour, in the county of Douglas and State of South Dakota.

John W. Walsh, to be postmaster at Montrose, in the county of McCook and State of South Dakota.

## VIRGINIA.

Charles Bugg, to be postmaster at Farmville, in the county of Prince Edward and State of Virginia.

## HOUSE OF REPRESENTATIVES.

THURSDAY, January 29, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3287) to fix the salaries of certain judges of the United States, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOAR, Mr. FAIRBANKS, and Mr. TURNER as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6719) to change and fix the term for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3512) concerning minimum punishment in certain cases arising in the Indian Territory.

## ORDER OF PROCEEDING ON CLAIMS BILLS.

Mr. GRAFF. Mr. Speaker, I submit the resolution which I send to the desk, and ask that it be adopted by unanimous consent.

The Clerk read as follows:

*Resolved*, That in the consideration of bills on the Private Calendar, on Friday, January 30, 1903, under special order adopted December 2, 1901, bills reported by the Committee on Claims shall be taken up in such order as selected by the chairman of said committee.

Mr. GRAFF. Mr. Speaker, I wish to make a statement in reference to this proposed resolution. While the resolution states that the bills will be taken up as selected by the chairman of the committee, the arrangement agreed upon is that a Democratic member representing the Committee on Claims shall select half the bills to be called up, and I shall select the other half, the call alternating, one bill being taken up on one side of the House, and the next bill on the other side, so long as we may have time to consider these bills to-morrow. This plan was adopted at the second session of the last Congress and it worked satisfactorily to all the members of the House. To-morrow will, in all probability, be the only day during the remainder of this session devoted to bills on the Private Calendar reported from the Committee on Claims.

Mr. RICHARDSON of Tennessee. I understand that the object is to take up claims so far as possible that are unexceptionable.

Mr. GRAFF. Yes, sir; so far as possible.

Mr. RICHARDSON of Tennessee. So as to preclude as far as may be the necessity for inquiry or debate in regard to these bills?

Mr. GRAFF. Yes, sir. The call will alternate from one side of the House to the other.

The SPEAKER. If there be no objection, the proposed resolution will be adopted.

The resolution was agreed to.

On motion of Mr. GRAFF, a motion to reconsider the last vote was laid on the table.

## STATUES OF CHARLES CARROLL AND JOHN HANSON.

Mr. PEARRE. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk.

The Clerk read as follows:

*Resolved by the House of Representatives*, That the members of the Maryland statutory commission be admitted to the floor of the House of Representatives, in seats to be provided for them, during the ceremonies incident to the acceptance of the statues of Charles Carroll of Carrollton and John Hanson, presented by the State of Maryland to the Government of the United States, on Saturday, January 31, at 3 p. m.; and

*Resolved further*, That the southeast and southwest ladies' galleries be reserved for the relatives of the said Charles Carroll of Carrollton and John Hanson and for such citizens of Maryland as may attend these ceremonies.

There being no objection, the resolution was considered, and agreed to.

The SPEAKER. This resolution having been adopted, the Doorkeeper will be governed by this action of the House.

## HEIRS OF AARON VAN CAMP AND VIRGINIUS P. CHAPIN.

Mr. GRAFF. I desire to call up a conference report on the bill (S. 342) for the relief of the heirs of Aaron Van Camp and

Virginius P. Chapin. I ask unanimous consent that the statement of the House conferees be read and that the reading of the report be dispensed with.

There was no objection.

The statement was read, as follows:

The conferees on the part of the House of Representatives on the disagreeing votes of the two Houses on the amendment of the Committee on Claims to the Senate bill No. 342, entitled "An act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin," respectfully submit their conference report herewith, and submit the following statement as to the effect of the adoption of said conference report.

The bill, if passed, would refer said claim to the Court of Claims to hear and determine the question of the liability of the United States for certain losses suffered by the claimants, as alleged by them, by reason of the acts of an alleged court unlawfully formed and convened by one Jonathan S. Jenkins, as United States consul and vice-commissioner for the consulate of Apia, Navigators Islands. The facts in the case were heard and determined by the Court of Claims heretofore, and findings of fact covering exhaustively the circumstances of the case, including the losses suffered by the claimants, were made by the court, but the legal liability of the United States to the claimants was not determined.

The bill as amended by the House had stricken from it the authority for the court to consider the former proceedings by the Court of Claims had in said cause and claim, and also the authority to consider as evidence in the new hearing the authority for the court to consider as evidence documents and reports of Congressional committees. The effect of the conferees' report is to authorize the considering by the court as evidence the former proceedings of the Court of Claims in said claim, and to exclude the authority formerly given in the bill as passed by the Senate for the court to consider the documents and reports of Congressional committees.

Respectfully submitted.

JOSEPH V. GRAFF,  
D. J. FOSTER,  
CLAUDE KITCHIN,  
*Conferees of the House.*

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Committee on Claims to the bill S. 342, an act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. That the Senate concur in that portion of the House amendment striking out all of the words after the word "Documents," in lines 16 and 17, page 2, down to and including the word "Government," on line 19, page 2.
2. That the House recede from all the balance of its amendment to said bill.

JOSEPH V. GRAFF,  
D. J. FOSTER,  
CLAUDE KITCHIN,  
*Managers on the part of the House.*  
P. J. McCUMBER,  
JAS. P. TALIAFERRO,  
*Managers on the part of the Senate.*

Mr. GRAFF. Mr. Speaker, I move that the conference report be agreed to.

The motion was adopted.

On motion of Mr. GRAFF, a motion to reconsider the last vote was laid on the table.

#### SALARIES OF UNITED STATES JUDGES.

The SPEAKER laid before the House the bill (S. 3287) to fix the salaries of certain judges of the United States, said bill having been returned from the Senate with a message that the Senate had disagreed to the amendments of the House and had asked for a conference.

Mr. JENKINS. I move that the House insist on its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. JENKINS, Mr. WARNER, and Mr. SMITH of Kentucky as conferees on the part of the House.

#### INDIAN APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into Committee of the Whole on the state of the Union (Mr. GROSVENOR in the chair) and resumed the consideration of the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1904, and for other purposes.

The Clerk read as follows:

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, or additions thereto, and improvement of buildings and grounds, \$250,000; in all, \$1,490,000.

Mr. BURTON. Mr. Chairman, I move to strike out the words "and fifty," in line 17, and substitute for the words "and ninety," in line 19, the words "and forty."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk reported the amendment.

Mr. SHERMAN. Does the gentleman desire to discuss the amendment?

Mr. BURTON. Reserving a couple of minutes, I should like to ask what is included in this item, whether it includes all repairs and purchases, etc., for the reservation and nonreservation schools, and does it refer to one particular branch of the service?

Mr. SHERMAN. No; it refers to all schools other than those specifically appropriated for in this bill. It includes over 200 school plants and hundreds upon hundreds of buildings all over the country, many of the buildings being those that were originally Army posts and necessarily requiring a particularly large expenditure in the way of repairs and improvements. The value of all the buildings covered by this amendment is something over \$5,000,000, and the ordinary wear and tear upon any building, I think experience would show, is at least 5 per cent. So that without any additions, without constructing new buildings—and every year it has been found necessary to construct some new buildings—without the question of the extension of water, sewers, and matters of that kind, it would, with the ordinary percentage of wear and tear of buildings, require this sum. When we take into consideration the further fact that these buildings are occupied by young people—children and students—whose occupancy means the hardest possible wear that any building can be subjected to, it seems to me that the appropriation, to use moderate language, is very reasonable.

Mr. BURTON. I would like to ask the gentleman from New York a further question. Does not the use of the words "construction, purchase, lease, and repair of school buildings, \* \* \* and purchase of school sites" authorize the Indian Department to purchase buildings for schools where schools are not now established?

Mr. SHERMAN. It does.

Mr. BURTON. Or sites for schools where they are not now established?

Mr. SHERMAN. It does, and it is so intended, and portions of that fund have time and again been used for the purchase of existing schools which, prior to the changed policy of the Government, three or four years ago, had been conducted as so-called sectarian or contract schools. We ceased to appropriate for them and, rather than build new buildings, some of the buildings of the sectarian or contract schools have been purchased, and they have since been conducted as Government schools.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BURTON. I move to strike out the last two words in line 19.

The CHAIRMAN. There is an amendment pending at this time.

Mr. SHERMAN. Mr. Chairman, I ask for recognition in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SHERMAN. Now I yield to the gentleman from Ohio.

Mr. BURTON. Does the gentleman from New York say to the committee that it is the settled Indian policy to allow a Commissioner to establish schools at will and purchase sites without any authority for any specific school from Congress?

Mr. SHERMAN. Oh, yes, certainly; that has been the policy for many years. That is a part of his duty in administering and expending the funds which we provide, and time and again there have been amendments incorporated into the bill—I think always in the Senate—which appropriated specifically for the establishment of some new reservation school, not one for which we specifically appropriate, and this body through its committee has opposed that policy, believing that it ought to be in the discretion of the Commissioner of Indian Affairs where to locate and provide new reservation day and boarding schools.

Mr. BURTON. Has the attention of the gentleman from New York been called to the fact that this appropriation is \$50,000 larger than it was a year ago?

Mr. SHERMAN. It has not, because such is not the fact, and for this reason: A first glance at the bill of last year would of course make one think so; but in another part of the bill there was a provision for \$50,000 additional last year, which came about in this wise: Last year the House appropriated \$200,000. The Senate appropriated upward of \$50,000, in the manner I have described a moment ago, providing for the construction of a school at a particular point. The Senate eventually receded from that amendment with an amendment which added \$50,000 to the general fund, making the fund \$250,000; so that in last year's bill that item will appear in two different places, which would lead the gentleman to suppose that \$200,000 was all that was appropriated.

Mr. BURTON. Mr. Chairman, I desire to be heard briefly in support of this amendment.

Mr. SHERMAN. I will yield to the gentleman the balance of my five minutes.

The CHAIRMAN. The Chair will state that debate on this amendment is exhausted, under the rule.

Mr. BURTON. I ask unanimous consent that I may proceed for three minutes.



The CHAIRMAN. If there be no objection, the gentleman will proceed for three minutes.

There was no objection.

Mr. BURTON. The chairman of the committee [Mr. SHERMAN] has very candidly and clearly stated one of the chief defects of this system, and has described a condition which explains much of the extravagance of the Indian schools. The Commissioner has authority to establish schools—reservation, day, boarding, etc.—at will. When he, from a survey of the situation, establishes those which he thinks desirable, the House or the Senate proceeds to put on a number of others. Either these should all be authorized by act of Congress, or the matter should be left exclusively with the executive department.

Mr. SHERMAN. Will the gentleman permit an interruption? I think he misunderstood me. The matter is exclusively with the Department, save for these 29 nonreservation schools, for which we specifically appropriate, item by item, and which follow in the bill.

Mr. BURTON. If the nonreservation schools are to be established by Congress, the reservation schools should be as well. There ought to be one rule for all.

It seems to me, Mr. Chairman, that this system has attained a degree of extravagance which should call for a halt, and that the cutting off of \$50,000 from this item, which is side by side with specific appropriations for a number of particular schools, will not hamper the service.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Ohio to strike out "\$50,000."

The amendment was rejected.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask to recur to page 33, line 23, for the purpose of offering an amendment which I will send up. It is the amendment about which I have spoken to the chairman of the Committee on Indian Affairs.

The CHAIRMAN. The gentleman from Mississippi ask unanimous consent to return to page 33, line 23, for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Insert in line 23, page 33, after the word "dollars," the following: That the sum of \$30,000, or so much thereof as is necessary, is hereby appropriated, to be immediately available, for the purpose of aiding full-blood Mississippi Choctaws to remove to the Indian Territory.

Mr. SHERMAN. Mr. Chairman, I will reserve the point of order against the amendment until I have heard the explanation of the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Chairman, this is the amendment that was on the bill at the last session, and was taken up in the Senate by an understanding with me, because it probably would involve some dispute among the negotiators of the treaty. It is for the purpose of enabling the poorer ones of the full-blood Mississippi Choctaws to be removed to the Indian Territory. It is the same amount that was agreed upon at the last session by the House, and I understand there is no objection to it from the Committee on Indian Affairs or from any member of it.

There are about 1,000 of these people, probably, of the full blood. The amendment takes into consideration only the full bloods. They are a very worthy people, very honest, and very poor. They have a right to participate in the lands in severalty, provided they comply with the law which is upon the statute book. A part of that law requires that they remove to the Indian Territory, and they are too poor to move.

Mr. LACEY. Is there any roll or any other evidence by which those of the full blood in Mississippi could be designated, to have the benefits of this provision?

Mr. WILLIAMS of Mississippi. The Dawes Commission has made a roll including not only the full bloods, but others.

Mr. LACEY. Has it designated which are the full bloods and which are not? There might be a good deal of difficulty in executing this proposition to select for transportation those of the full blood. It is a little difficult sometimes to tell by looking at them.

Mr. WILLIAMS of Mississippi. I do not think it is. I think that is a matter that will prove itself pretty well. At any rate, it will be left to the Secretary to determine, and he could make arrangements so as to safeguard the meaning of the amendment. There is a roll of the Mississippi Choctaws, but I am only trying to take care of those full bloods who are very poor. The other people will be able to get there themselves—most of them.

Mr. SHERMAN. Will the gentleman from Mississippi yield for a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SHERMAN. On what do you base the amount, \$20,000?

Mr. WILLIAMS of Mississippi. The gentleman from Arkansas [Mr. LITTLE] and myself and some of the other members of the committee concluded at the last session, when that was put upon the bill, that that amount would accomplish the purpose, and maybe it would not require that much.

Mr. SHERMAN. Then you in some way reached a satisfactory conclusion as to the number of full bloods?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SHERMAN. Do you now recall what that number was?

Mr. WILLIAMS of Mississippi. We estimated them at about 1,000, and thought they could be transported for \$20 apiece.

Mr. SHERMAN. Your amendment simply contemplates transporting and does not contemplate giving them any assistance at all?

Mr. WILLIAMS of Mississippi. Not after they get there.

Mr. SHERMAN. Merely removing them to the Indian Territory?

Mr. WILLIAMS of Mississippi. That is all; so that they can comply with the requirements of the law. The requirement of the law is that they go there, announce their intention to become permanent settlers and citizens, and then they get their lands after a certain length of time.

Mr. SHERMAN. And what you are asking for these Indians has been done for other Indians in the past?

Mr. WILLIAMS of Mississippi. What it has done for some of these very people, in 1820, who were removed by Government assistance.

Mr. SHERMAN. Would the gentleman object to the insertion of a provision that this applied to the indigent full-blood Indians?

Mr. WILLIAMS of Mississippi. No, I would not.

Mr. SHERMAN. If the gentleman would, I should have no objection.

Mr. WILLIAMS of Mississippi. I ask unanimous consent to modify the amendment by inserting the word "indigent" before the word "full-blood."

The CHAIRMAN. The gentleman from Mississippi asks to modify the amendment as he has indicated.

Mr. LACEY. I would suggest to the gentleman that he insert such modification as would enable the Secretary of the Interior to exercise a discretion in this matter, otherwise it will be almost impossible to carry out the purpose he has in view.

Mr. WILLIAMS of Mississippi. I differ with the gentleman from Iowa about that. It seems to me perfectly easy to know what is a full-blood Choctaw.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that the Clerk was unable to hear the modification of his amendment.

Mr. WILLIAMS of Mississippi. To insert the word "indigent" just before the word "full-blood" in the amendment.

The CHAIRMAN. If there be no objection the amendment will be considered as modified. The question is on the amendment offered by the gentleman from Mississippi.

Mr. McRAE. I would suggest to the gentleman that he had better substitute the word "indigent" for "full-blood."

Mr. WILLIAMS of Mississippi. I will tell the gentleman why I do not feel like doing that. There are a great many trying to parade as Choctaw Indians who are not.

Mr. McRAE. And there are a great many denied who are, but are not full-blooded. In the treaty no distinction is made between full-bloods and descendants of full-bloods, and unless "indigent" is put in it would work to the disadvantage of those that have the white blood, and they are as good as the others.

Mr. WILLIAMS of Mississippi. Not as good an Indian.

Mr. McRAE. Under the treaty they are just as good Indians. The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. SHERMAN. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support and education of 300 Indian pupils at Albuquerque, N. Mex., \$50,100; for pay of superintendent of said school, \$1,700; for erection of ice plant, \$3,000; general repairs and improvements, \$1,500; in all, \$56,300.

Mr. BURTON. Mr. Chairman, I desire to propose an amendment to the paragraph. In line 21 strike out "fifty" and insert "forty;" also in line 25 strike out "fifty-six" and insert "forty-six." That is diminishing the appropriation \$10,000.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 37, line 21, strike out "fifty" and insert "forty."  
In line 25 strike out "fifty-six" and insert "forty-six."

Mr. SHERMAN. Mr. Chairman, I desire to oppose the amendment. I suppose the gentleman desires to advocate it. I simply want to say the gentleman's proposition is to arbitrarily decrease the amount of the appropriation. It has been found from long experience that \$167 per capita, which is appropriated for the support of pupils in these Indian schools, in the ordinary school

is none too great. In the larger schools, like Haskell and Carlisle, it has been found that they can be maintained for less. The \$167 provides not only for housing, but the clothing and food and books, and if there is any surplus unexpended it is turned back into the Treasury. One hundred and sixty-seven dollars per capita has been found by long experience to be not too great to maintain a school save the very large ones; and I trust, therefore, that the amendment of the gentleman from Ohio will not prevail.

Mr. BURTON. Mr. Chairman, I want to call attention to some official figures in the report of the Commissioner of Education for the years 1899 and 1900, in which he says that the average expenditure per pupil for the white pupils of the United States is \$20.29. Now, it is not the disparity of expense alone to which I call attention. This is one of the reservation schools. I really believe it will be conceded by all the members—

Mr. SHERMAN. Albuquerque is not a reservation school. It is a nonreservation boarding school.

Mr. BURTON. I wish to call attention to some figures in regard to it. It is a so-called industrial school. On page 414 the superintendent of this school says:

This school is situated in a temperate climate, and is in a generally satisfactory condition. The literary work is carried on in a satisfactory manner, but I would like to see better provision made for the teaching of industries, especially blacksmithing.

The local superintendent says on pages 546 and 547:

I have insisted throughout the year upon constant and uninterrupted work in all departments and upon the closest attention to details of instruction. Have made a special effort to impress the importance of industrial training by having the industrial departments alternate with the school in giving frequent exhibitions, before the whole school, of the recitations and work which they were each doing and by having a regular course of study prepared for each industrial department, enforcing systematic instruction therein, and also, wherever possible, having those subjects treated in the industrial departments, also used for lessons in the schoolrooms. Our industrial exhibitions proved very entertaining and were a great surprise both to pupils and employees.

It will be noticed that this is no summer school, nor is it a winter school. It is a school, according to the report on page 679, where pupils attend for twelve months. Let us note the value of the products raised by the pupils, over 300 in number. It was \$789.70, and this with all the appliances of the school and with elaborate instruction in farming. It is claimed that practical education is the substance of their instruction, yet those receiving the benefits of all these efforts show about \$2.50 a head as the result of this industrial training. It seems to me this is a very impressive lesson upon the value of the whole system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the support and education of 200 Indian pupils at Chamberlain, S. Dak., \$33,400; for pay of superintendent of said school, \$1,000; for general repairs and improvements, \$2,200; in all, \$37,200.

Mr. SHERMAN. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 38, line 5, after the word "dollars," insert "for additional buildings and improvements to complete plant, \$16,000." In line 6, following, strike out the word "thirty-seven" and insert the word "fifty-three."

Mr. BURTON. Mr. Chairman, I raise a point of order on that amendment.

Mr. SHERMAN. I think, Mr. Chairman, no point of order lies.

The CHAIRMAN. The gentleman from Ohio has not stated his point of order.

Mr. BURTON. The point of order, Mr. Chairman, is that it is for the completion of work not authorized by statute or by any recommendation of the executive department. There is nothing to show any recommendation of the executive department or that any further building is required.

Mr. SHERMAN. This is an additional appropriation to complete a building already provided for. The facts are that Congress appropriated \$40,000 for the purpose of increasing the Chamberlain school. Plans and specifications were made, and bids were advertised for, and the lowest bid received was \$43,495, or nearly \$4,000 more than the amount available.

The plans have been pared to the last degree, so the Department states, and it is impossible to reduce them without emasculating them; and as it is presumed Congress contemplated, when it gave the appropriation, to increase the size of the school, this sum of \$16,000, in view of the rise in price of material and the fluctuating market, will allow a safe margin to develop the plant and round out by completion of the employees' quarters, the dairy building, addition to laundry, and addition to the hospital. So this appropriation is for the completion of the building already authorized by Congress, and which can not be constructed for the amount appropriated, and, second, for additional buildings necessary for the completion of the plant. It is for the completion of a work already in progress.

Mr. BURTON. I would like to ask the gentleman from New

York how provision can be asked for the support and maintenance of this school if the buildings are not complete?

Mr. SHERMAN. These are for additional buildings. There is a school there, and has been for many years. Last year an appropriation was made for an additional building. That building was not constructed for the reason that when advertisements were made for bids no bid was submitted within the appropriation.

Mr. BURTON. Mr. Chairman, I withdraw the point of order. I would like to ask the gentleman from New York how many of these nonreservation schools there are in South Dakota?

Mr. SHERMAN. Four in South Dakota.

Mr. BURTON. Would not the purpose of education be subserved better by one central school than by four small ones?

Mr. SHERMAN. I think perhaps that might be so. It would involve an additional expenditure so far as transportation of pupils and supplies is concerned. I think it would be better had the original school plant been enlarged instead of the new and additional schools established; but they have been established and they are there, and the Indian school population in South Dakota is greater than the school population in any other State in the Union.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to say just a word in relation to these schools and several other nonreservation schools in South Dakota. It is a fact that South Dakota has a larger Indian population than any other State in the Union. We have seven separate and distinct Indian reservations. We have four nonreservation schools, located in different parts of the State, all of them located adjacent or close to different Indian reservations. As an illustration, the Chamberlain School is located at a point where the Crow, Crow Creek, Yankton, and Rosebud reservations are tributary.

Now, the Chamberlain School has been in operation for several years. Congress, in the second session of the Fifty-sixth Congress, made an appropriation of \$20,000 to enlarge the plant and increase the capacity of the school. In the first session of this Congress an additional appropriation of \$20,000 was made to carry out the plans that had been formulated for the enlargement of this institution, and this \$16,000 is simply to round out and complete that plant, and I hope the amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the chairman of the committee.

The amendment was considered, and agreed to.

The Clerk read as follows:

For support of 150 pupils at the training school at Cherokee, N. C., \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$2,000; for heating plant, \$2,500; additional for girls' dormitory, \$5,000; for lighting plant, \$2,500; for additional school farm, \$3,500; in all, \$42,050.

Mr. BURTON. I will ask the Chairman of the Committee on Indian Affairs to state what rule is followed with reference to the establishment of separate lighting plants for these schools. I see that in some cases there is provision for an electric-lighting plant, and in other cases there is not.

Mr. SHERMAN. There is no fixed rule that we have followed. Recommendations began some half dozen years or more ago for electric-lighting plants.

The CHAIRMAN. There is no question before the House.

Mr. SHERMAN. I move to strike out the last word.

The committee, not wishing to increase the amount of the appropriation bill by providing everywhere for these electric plants in the same year, yet believing that the additional safety gained by having the buildings lighted by electricity rather than by coal oil or by local gas lamps was sufficient to warrant the additional expenditure, have, when the recommendations have come in properly sustained by evidence, recommended the establishment of electric-lighting plants at one school after another. I can not state from memory what particular schools are now thus equipped and what not, but I should say that about one-half of these schools are now equipped with electric plants—possibly more. I withdraw the pro forma amendment.

The Clerk read as follows:

For support of Indian industrial school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, \$157,000; for additional salary of any military officer of Carlisle Indian School while acting as superintendent of said school, \$1,000; in all, \$158,000.

Mr. BURTON. Mr. Chairman, I move to strike out the paragraph just read. I should like the gentleman from New York to state whether this is the total expense for maintenance of this school.

Mr. SHERMAN. It is.

Mr. BURTON. I call the gentleman's attention to the fact that there is included in this case the item for transportation of pupils to and from the school, while in another part of the bill there is a separate general appropriation made for transportation, which, I believe, is this year increased—

Mr. SHERMAN. By \$10,000.



Mr. BURTON. The sum now recommended is \$50,000. What is the occasion for that?

Mr. SHERMAN. At Carlisle it has been found that it requires less per capita to support the pupils than it does at certain other schools; and it was found that by changing the wording of the section relating to that school so as to make the one item cover all expenditures the superintendent would be able, from his appropriation, to pay for the transportation of all his pupils to and from the school, and able also, as he does, to maintain at the school a number of pupils largely in excess of the number that would be covered by an appropriation of \$167 each, the additional number being something over 100. In figuring this out, we can not take the whole sum on the basis of that per capita, because there is some portion of it that must be used for repairs of one kind and another, and some portion that must be used for transportation.

Mr. BURTON. I withdraw the amendment.

Mr. LACEY. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert at the end of line 23, page 28, the following:

"Provided, That on and after the passage of this act 50 children of citizens of Porto Rico shall be eligible to admission as students at the Indian Industrial School at Carlisle under the same rules and regulations as the scholars now admitted to said institution."

Mr. CANNON. I make a point of order upon this amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LACEY. I hope the gentleman will simply reserve the point of order. I think that when he hears the facts he will withdraw the point.

The CHAIRMAN. There is so much confusion that the Chair does not understand whether the gentleman from Illinois simply reserves the point of order or makes it.

Mr. CANNON. Most certainly I make the point of order; but the gentleman from Iowa [Mr. LACEY] asks me to reserve it, as he wants to submit some remarks, and I always want to be courteous.

Mr. LACEY. Mr. Chairman, I think that if I can get the attention of my friend from Illinois he will withdraw the point of order.

There are to-day 42 Porto Rican children in that school. This proposition is to legalize such pupils to the number of 50—to provide for bringing 50 of those children to this institution, giving them opportunities of industrial education upon this continent, surrounded by American influences, learning to speak our language. This will be of incalculable advantage to these children upon their return to Porto Rico. Forty-two have been already admitted in this way, and this proposition is to legalize the admission of 50.

Mr. SMITH of Arizona. By what authority have those children been admitted?

Mr. LACEY. They have been admitted under the general law.

Mr. SMITH of Arizona. What general law admits Porto Rican children to Carlisle?

Mr. LACEY. There is some question about that, I concede. This is a general proposition to legalize their admission, and to extend the number up to fifty, which is a very small number. It seems to me a very appropriate thing to do. The Porto Ricans are at our doors. There are a million of inhabitants in that island, and the admission of 50 of these boys and girls from Porto Rico would be of very great advantage to them as teachers in the training that they would get and for the use that they would be to their neighbors on their return to that island.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANNON. Mr. Chairman, I would like to ask for unanimous consent just to say a few words.

The CHAIRMAN. The Chair will withhold its ruling for the present.

Mr. CANNON. Mr. Chairman, what I want to say is not strictly in order, but it is thoroughly responsive to the statement of the gentleman from Iowa [Mr. LACEY]. No man has more respect for the judgment of the gentleman than I have. I make the point of order for the reason that this whole question of the education of Indian children or anybody else without effort upon the part of the parents of those children—our taking them and educating them above the level of the surroundings where they use that education to support themselves and where they can not be sustained at home, is, in my judgment, a mistake—almost a crime. Great blocks of human beings progress from the ground, where they have a firm foundation, utilizing that which they have, living in the sweat of their faces, holding what they achieve, and progressing from one generation to another by their own efforts. But the taking of children and at public expense educating them above the sentiment of the people from whom they sprang and with whom they must live is demoralizing and pauperizing. It is cruelty to the individual and pauperizing to the people. We all appreciate that which costs us something.

Now, here is a proposition to run this same system in Porto Rico, an island of a million of people. There they have a civilization. Through the centuries, under our laws, they have a good chance to progress, but they must progress and grow working out their own salvation, with their surroundings, and they will thus be competent to support themselves and make their way. I would rather have one foot of progress in a generation, where that progress is achieved amongst the people themselves, than the expenditure of multiplied millions of dollars used in transporting these children—and it would come to that in the end if you make the beginning now—to the United States, educating them here as we have been educating these Indian children, and then sending them back where they would not receive support. I make this point of order because this whole experiment with the Indian children has worked disastrously, and I do not want to inflict an outrage upon the Porto Ricans.

The CHAIRMAN. The point of order is sustained. It is new legislation. It provides that from and after the passage of this act certain children not now permitted to enter this school may become inmates of it. It even goes beyond the enactment in relation to the Indian children at the same school.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word of the paragraph just read, for the purpose of securing the floor just a few minutes to reply to some observations of the gentleman from Illinois [Mr. CANNON]. In the first place, I venture to suggest, speaking now of the American Indians, and not of the Porto Ricans, that they do not make much progression in the tribes and in the tribal relations in which they live; and secondly, that a great majority of the Indian pupils educated at the Carlisle Indian school do not go back to those tribes. They are not supported for a time at Government expense and then sent back to their tribes with no support. On the contrary, in this most excellent institution—of which I happen to know something, as it exists within 18 miles of the city in which I live—they are educated to support themselves, to take their places among and compete with white people, white mechanics, and to enter and live in the homes of white people. I hold in my hand a paper published by Indian apprentices at the Carlisle School, containing a copy of a speech made on the 8th of this month by Colonel Pratt, the superintendent of this institution, at Wilmington, Del.

In that speech he stated that within 80 miles of that city there were living, and it would be practical upon short notice to gather in Wilmington, over 200 pupils who had graduated from the Carlisle Indian school. They were living among white people, in white families, attending public schools or working at trades. In his report to the Department of Internal Affairs, he states what became of the last graduating class of 18. Two of them are blacksmiths, one is a carpenter, two of them are now making \$20 a week, and so on, distributed among the various trades—one is a telegraph operator for the Gettysburg and Harrisburg Railroad Company. Thirty-four of these Carlisle Indians served in the Spanish-American war and made most excellent soldiers; seven enlisted in the Navy. Some of them, after leaving the Indian school, have since graduated at Dickinson College.

The location of this school is most excellent. It is in the beautiful and healthful Cumberland Valley, within 18 miles from Harrisburg and within the limits of or adjoining the borough of Carlisle, a college town, in which are located Dickinson College and other well-known institutions of learning. The country round about embraces some of the finest agricultural lands in the world. People in that vicinity are honest, frugal, and industrious. No better surroundings, no better examples for the Indian could be found. At least one of these Indian graduates is now attending the law school connected with Dickinson College.

I have upon my desk the latest official report from this school, of which I have been able to obtain a copy this morning. It is dated October 8, 1900. It states, among other things, that during the year ending June 30, 1900, Indian pupils earned during periods of outing which were allowed them \$27,255.52, which shows that they are trained to industry. The savings of pupils to June 30, 1900, amounted to \$15,518.39, which shows that they are not unacquainted with frugality.

Our greatest institutions of learning consider that athletic games, notably football, constitute a very important element in the training of youth. Where will you find a football team selected from among so small a number of pupils which has more distinguished itself than the Carlisle Indian team? The great universities and colleges, including Yale, Harvard, Columbia, Cornell, and the University of Pennsylvania have found these Indian boys "foemen worthy of their steel."

These boys have a magnificent band of music of sixty pieces, which, if they came in competition, would keep the Marine Band of Washington busy to retain its laurels. On the occasion of the inauguration of Governor Pennypacker on the 20th of this month six companies of Indian cadets marched in the parade behind their own band, presenting an instructive and inspiring spectacle.

which I wish might have been seen by every member of this House. Finer boys, with more soldierly bearing or precision of marching, can not be found anywhere. I have not the slightest doubt that if the time of need should come these Indian cadets will be found brave, intelligent, and hardy soldiers.

The education secured at this school is of the most practical character. These boys and girls are taught how to make a living, how to live among and be useful to white people, how to become self-supporting and useful citizens, instead of living upon the bounty of the Government.

Col. R. H. Pratt, the superintendent of this school, is the right man in the right place. No better could be selected. A man of great intelligence and fine executive ability, he devotes his every energy to the building up of this institution and to the care and practical training of the boys and girls under his charge. He served as a soldier during the civil war and in Indian campaigns. He knows the temperament, the habits, and the capabilities of the Indian. He considers it best, as far as possible, by education and training of the young to draw them away from the reservations, to break up their tribal relations, and to qualify them to mingle with and make their living among the white race.

In my judgment, there never was an educational institution doing a greater work for the country and rendering more value for the money expended upon it than this Carlisle Indian Industrial School.

Mr. CANNON. I want to say a word by way of opposition to this formal amendment, merely to have an excuse to say what I desire to say.

I have made no attack upon the Carlisle school, and I am more than delighted, as long as we have that school educating these Indian children, so that they will be competent to make a living, if they will stay away from the reservations, to take on citizenship and compete with our people. That is a good thing for the individuals, because they have the surrounding and the encouragement that is on all fours with the education. I am glad to know that that is becoming the rule. Formerly it was not. Twenty years ago in the main they went back to the reservations, and when they got back, after a few months they had the vices of our civilization without the virtues of their own. It was the height of cruelty to send them back. I hope not another one will be sent back.

I thought it proper to say that much and to express my pleasure that a new rule had been adopted.

Mr. SMITH of Arizona. Mr. Chairman, I renew the motion to strike out that section. I am struck with what the gentleman from Illinois [Mr. CANNON] has so forcefully said. For fifteen years on this floor I have been a witness of what I conceive to be the veriest folly on the face of the earth in the attempted education of the Indian. The gentleman from Pennsylvania [Mr. OLMSTED] holds up with pride a newspaper published by some Indian pupils. I had rather see one corn row plowed in the West by an Indian in the sight of the other Indians who are idle than to see them running the New York Daily Sun. It would mean more for Indian progress, it would mean more of common sense. You apply a rule to them that is absolutely different from that applied to every other people since the dawn of time.

What do you do with them when you take them to Carlisle? There are poor boys in every State in this Union and in every Congressional district, white boys, your own flesh and blood, poorer than the Indian himself, who would like to have one dollar spent for their education where one hundred dollars is spent under this bill. This is an effort to bring a lot of Indians from the West against their consent, put them in a strange environment, in a civilization high above them, which their tribe will not attain under the best conditions in the next century and a half, and you are only frittering away the money in a humane chase after a dream. How are you going to educate the Indian? I have been accused of being his enemy.

I tell you that when the first steam locomotive went through the Apache Reservation in Arizona more was done for Indian education generally than the Carlisle school will do in the next century. There has been no Indian outbreak since. The Indians have been taught to work on the railroads and receive the money for it, and if you will keep this simple fact in mind that every man must find the necessity of an education before the education will do him any good, if you will appropriate money for industrial schools, if you will put them on the reservation, if you will make it, as the gentleman from Illinois wisely says, a lesson so that the great tribe will raise itself one foot, you will be doing more than if you make Henry Clays and Daniel Websters out of a dozen individuals. It is folly. Every dollar of it is thrown away. It is observed by every man who knows a thing about the question. Good people go around and look at the combed up and well dressed Indians at Carlisle, and talk about the wonderful improvement of the Apache Indians.

The Carlisle school has never raised a single one of these In-

dian tribes on the reservation a single inch above their low level since the Carlisle school has been established, and it never will. The gentleman says there are Filipinos there now. What is this Carlisle school? Is it an eleemosynary institution for the education of everybody not white who has not money enough to educate himself? How many men who honor seats on this floor in achieving their present positions have had to struggle through environments as hard as any Indians at the Carlisle school ever had to struggle through? Yet they had none of these advantages to get an education.

Again I have made the proposition to strike this provision out. I have had it struck out time and time again, only to have it replaced by the Senate. You can not change the Indian in that way. This is a wasteful expenditure of money, and it could be more profitably used in many ways by having their education on the reservation; but you want to do something for these poor people, and you teach him psalm singing and the good doctrines of religion, and you teach him music, perhaps, when he does not know how to wrap an orange for market or how to run a furrow through a cornfield.

You bring him to Carlisle and you educate him in a trade and you put him right in competition with the poor boy here, raised in your own community. You put a plane and a hammer in his hand and put him in competition with the boy raised in your community, who has acquired his trade without one dollar to help him—and that is your idea of education at Carlisle. It is nothing more than nonsense, and the whole scheme a fraud. I protest in vain against this folly. Go on with it if you will. Tax poor white people for this visionary benefit, but at the end you will find that you have made a few discontented, overeducated Indians and further impoverished parents of white children unable to buy a schoolbook. I repeat that the whole business is a fraud, and this item should be struck forever from the bill.

Mr. OLMSTED. Mr. Chairman, I desire to be heard in opposition to the amendment. I desire to say a few words in opposition to this proposition to strike out this paragraph making an appropriation to continue the Indian Industrial School at Carlisle. It may be better, as the gentleman from Arizona suggests, that all Indians shall be kept in degradation and none of them permitted to receive an education until he himself sees the necessity for it. It is seldom that an ignorant tribe or person sees the necessity for an education, and upon the gentleman's theory no Indian would ever receive any kind of education. But that is not the plan, that is not the principle upon which the white children are treated, or upon which the colored children are treated, in the United States. We have common schools supported at the public expense for the education of white and colored children. In some States we have compulsory education laws. Dense ignorance is not considered compatible with the public interest. Why not do something for the practical education of these wards of the nation, these Indian children? I utterly deny, and the statistics and official reports repudiate, the statement of the gentleman that these pupils are taught psalm singing, while so neglected in more practical matters that they can not, as he says, even wrap an orange. We do not raise oranges in that part of the country; but they are taught to plow the furrow, to be blacksmiths, carpenters, bricklayers, shoemakers, stone masons—in short, they are taught all the ordinary trades and occupations.

Mr. SMITH of Arizona. Why are they not taught that on the reservations, and let Carlisle alone? Why not let this be done where others can see it? Can not you do the same on the reservation as you do at the Carlisle school?

Mr. OLMSTED. I perfectly agree with the gentleman from Illinois [Mr. CANNON], and with Colonel Pratt, the superintendent of this school, that the more you can separate the Indians and get them away from their tribal relations the better for them, the better for the country, and the better for the United States Treasury. These very Indians at Carlisle, during their months of outing the last year for which we have a report, earned more than \$27,000 in wages at various occupations. The girls are taught to make their own dresses; they are taught to wash clothes, to cook, and other essentials of housekeeping, and prepared for useful avocations open to their sex. The boys, as I have said, are taught blacksmithing, carpentering, and other useful occupations. They are not sent back to their tribes any further than can be helped, because the superintendent of the school agrees with the gentleman from Illinois that they ought to be kept away from them and encouraged to mingle with the white people. That is the policy pursued at Carlisle.

I will suggest to the gentleman from Arizona another reason why this paragraph should not be stricken out. It provides for the cheapest education that is afforded by any provision in this bill. There are over 1,400 pupils in that school at this time and yet the whole appropriation called for is only \$158,000, including transportation, general repairs and improvements to buildings, as well as food, clothing, and teachers for these 1,400 boys and



girls. In other schools on the reservations the appropriations are at the rate of \$167 per capita. In other words, while upon the reservations 1,400 pupils require \$233,800, Carlisle requires only \$158,000. It is in the interest of economy, as well as desirable and important for the other reasons I have stated, that this school at Carlisle shall be continued and that this paragraph shall remain in the bill. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For the support and education of 600 Indian pupils at the Indian school at Chilocco, Okla., \$100,200; for pay of superintendent at said school, \$2,250; for general repairs and improvements, \$10,000; for addition to boys' dormitory, \$12,000; for horse barn, \$10,000; for laundry building, \$5,000; for cottages, \$4,000; in all, \$143,450.

Mr. BURTON. I move to strike out the portion of the paragraph beginning with line 15, "for laundry building," down to the end of the paragraph. I would like to ask the chairman of the committee whether it is the policy of the Indian Department to maintain laundries for these schools, buying machinery operated by steam, thereby relieving the pupils of the necessity of doing this work?

Mr. SHERMAN. The steam laundries are established at most of these large schools. It seems to be necessary where you have six or seven hundred pupils that you should have some means of doing this work other than by hand.

This is a question which the Indian Committee have had under consideration in the recent past, and an amendment has been prepared and will be submitted at the proper place in the bill to cover all the schools, providing that so much of the laundry work shall be done by hand as will teach the female pupils of sufficient age the art of hand laundry work. But it seems to me the gentleman from Ohio must be impressed with the fact that it is not practicable to do all the laundry work by hand for 600 or 1,000 pupils. In some smaller schools it might be practicable to do all the work by hand. Here you have 600 pupils. How are you to do it? Are you to have 50 or 100 tubs, and 50 or 100 students working side by side in one day, or are you to distribute it over the week and have a part of the laundry work done every day? Practically, it seems to me, by the amendment that we shall offer later, providing that so much of the work shall be done as will teach these girls the art of laundry by hand, we have accomplished the purpose of the gentleman's suggestion.

Mr. BURTON. Will the gentleman from New York yield to a further question?

Mr. SHERMAN. Certainly.

Mr. BURTON. Has there been any instruction in this line heretofore?

Mr. SHERMAN. Oh, yes; not only in the past year, but we have always given instruction in laundry work in all of these schools.

Mr. BURTON. I withdraw the amendment, Mr. Chairman. The Clerk read as follows:

For support and education of 375 Indian pupils at the Riggs Institute, Flandreau, S. Dak., and transportation, \$95,625; for general repairs and improvements, \$3,000; for pay of superintendent of said school, \$1,800; for two lavatories, \$2,000; for coal storeroom, \$1,500; in all, \$73,925.

Mr. SHERMAN. Mr. Chairman, I offer the following committee amendments.

The Clerk read as follows:

On page 39 add, in line 24, after the word "dollars," these amounts: "For amount for brick industrial shop, \$2,500, in addition to \$4,000 heretofore appropriated. For amount for brick office and warehouse, \$2,000, in addition to \$4,000 heretofore appropriated."

Line 34, page 39, strike out the word "three" and insert the word "eight." Strike out the word "nine" and insert the word "four."

The amendments were agreed to.

The Clerk read as follows:

For support and education of 200 Indian pupils at the Indian school, Fort Mojave, Ariz., \$33,400; for pay of superintendent of said school, \$1,800; for general repairs and improvements, \$2,000; for dining room and kitchen, \$20,000; in all, \$57,000.

Mr. BURTON. Mr. Chairman, I move to strike out lines 5 and 6, "for the dining room and kitchen, \$20,000." I would like to ask the gentleman upon what scale these expenditures were calculated.

Mr. SHERMAN. The superintendent of this school reports that the present dining room and kitchen is an old adobe building, that it is badly ventilated, and that a complete building adequate for the purpose would cost about \$20,000; that lumber and wages in that section of the country are extremely high.

Mr. BURTON. It is evident, Mr. Chairman, that we shall make no progress and oppose no check in these large expenditures unless we begin somewhere. It seems to me that \$20,000 for an item of that kind at a school in which there are only 170 enrolled is very extravagant.

Mr. SHERMAN. It is expected that there will be 200 pupils in this school.

Mr. BURTON. They have not succeeded in gathering that number yet.

Mr. SHERMAN. The average enrollment last year was 173. I understand that the school population is such that they can reasonably expect 200 pupils will attend as soon as the buildings are ready to accommodate them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was considered and disagreed to.

The Clerk read as follows:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., \$50,100; for general repairs and improvements, \$5,000; for pay of superintendent of said school, \$1,700; for horse barn, \$2,500; for water system, \$6,000; in all, \$65,300.

Mr. BURTON. Mr. Chairman, I move to strike out the words in lines 19 and 20, page 40, "for water system, \$6,000."

The Clerk read the amendment, as follows:

In lines 19 and 20 strike out the words "for water system, \$6,000."

Mr. BURTON. Mr. Chairman, it will be noticed that there is a more elaborate system of minor improvements, electric lights, lavatories, waterworks, etc., than can be found in any college in the United States. We are here crowding around these buildings these different conveniences which are regarded in other places as luxuries—electric-light plants, waterworks, and all these various utilities, some of which, no doubt, ought to be furnished from public or private sources outside. In this particular instance I have received information that there is an ample supply of water from waterworks in the town of Genoa.

I want to refer to the report of this school, which will be found on page 544 of the report for 1901. It says: "A system of fire protection has been put in this summer. It consists of a standpipe and necessary hose and racks for each story of the boys' building and the girls' building, the kitchen, and the dining room." Very many schools in this country would regard themselves as fortunate if they had these appliances. "I hope soon to extend it to the shop, school building, and laundry. Three hundred and twenty-five pupils are in attendance, so we can organize and go ahead. We hope to have the school building, hospital, and dairy barn completed this year."

Here is a school with an attendance of 300 pupils. Earlier in the report the superintendent says: "I took charge of the school February 16, 1901. On account of the small attendance it was necessary to rustle for 50 pupils."

It seems that he got them. I trust the members of the committee will not oppose this amendment. If this school is entitled to electric lights and hospital and all these improvements, if Indians are entitled to them, certainly the white race are entitled to them also.

Mr. SHERMAN. Mr. Chairman, I have a report from the school to which the gentleman refers, in which it says that the water supply is furnished by the Genoa Water Company. The source is extremely bad and the water impure. The supply is insufficient and precarious, and the town itself has an insufficient water supply. It is said that the water plant is badly used and needs repairing, and that it has gone down very much within the past year. The agent recommends that a new water system be supplied for the school, and if it is not provided it will not be long before an outbreak of typhoid fever will be had at this school. This is an important matter, and the sum of \$6,000 is necessary so that these conditions can be removed as soon as possible.

Mr. BURTON. What is the date of that report?

Mr. SHERMAN. It has come to me within the last month. It is a report made in the late fall.

Mr. CANNON. How large a place is Genoa?

Mr. SHERMAN. I ask the gentleman from Nebraska [Mr. ROBINSON] to answer that question.

Mr. ROBINSON of Nebraska. Genoa has about 1,000 inhabitants.

Mr. CANNON. How many pupils are there at this school?

Mr. ROBINSON of Nebraska. Three hundred and twenty-five.

Mr. CANNON. Can we not do something for the poor 1,000 people of Genoa who are threatened with typhoid fever? [Laughter.]

Mr. SHERMAN. They do not ask it.

Mr. ROBINSON of Nebraska. Mr. Chairman, there are now about 325 Indian pupils at this school. It is near to the reservation from which these Indian pupils are received. The school has for some years obtained its water supply from the village of Genoa. It was agreed, at the time the waterworks were put in, that the school should be supplied with water at a flat rate of \$700 per annum. Last year, according to information I have received from the Indian Commissioner, the demand was made upon the Indian Department that the system previously prevailing should be changed, and that the water should be charged for at a rate in accordance with the quantity used. A water meter was put in, and last November, according to the registry of this meter,

the amount charged this Indian school, if that rate be allowed to prevail, would be \$108 per month.

Mr. HULL. Would it not cost a great deal more than that to operate an independent plant?

Mr. ROBINSON of Nebraska. It would not, I understand, cost any more to operate an independent plant, because they already have the engineer and other officers.

Mr. HULL. I think the gentleman did not apprehend my question. What I wanted to know was whether it would not cost the school more than \$100 a month to operate an independent plant.

Mr. ROBINSON of Nebraska. By no means. It could not.

Mr. HULL. How about the engineer and other officers necessary to take charge of the works?

Mr. ROBINSON of Nebraska. They have now an engineer for the steam-heating plant, and also a janitor and fireman, and all the skilled help that would be required. As I understand, the desire is simply on the part of the city of Genoa to require the Government through its Indian school to bear a large part of the expense of running the waterworks.

Now, these wells out of which the water is drawn are shallow; and the report, which I ask to have read, is that under the plan proposed the school would have no adequate protection in case of fire, on account of a possible deficiency of the water supply. I ask the Clerk to read the report which I send to the desk.

The Clerk read as follows:

[Excerpt from report of Special United States Indian Agent Eugene MacComas on the Genoa Indian School, dated Genoa, Nebr., March 6, 1902.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 27, 1903.

The water supply of the school is quite a serious problem. Water is now obtained from the town of Genoa at an annual rental of \$700, regardless of quantity used. There has been no written contract with the town for several years, and while I was at the school notice was served on the superintendent that the town was dissatisfied with the rental and that unless other arrangements were made by April 1 the supply would be shut off. The superintendent and I attended a meeting of the town board and discussed their proposition of measuring the water by meter and charging therefor at the rate of 10 cents per 1,000 gallons, with the result that the board agreed in writing to extend the time of cutting off the supply until July 1, 1902, and in the meantime, if the Department agreed to the proposition, they would place a standard meter in operation, stipulating, however, that the school must pay the same amount of money from April 1 to July 1, 1902, as the meter registers for the first quarter it is in use. It is believed at the school that the meter rate will not increase the present cost of the water.

I investigated the town waterworks and found the supply to be quite limited, and the well from which it is drawn in a most undesirable location, being in a very low part of the town and surrounded by a number of barns and privy vaults. The water must of necessity be contaminated, and may at any time cause sickness at the school. Wells should be dug at the school and a tank erected, and with the central heating plant the water can be pumped without additional cost. The original cost of providing the school with its own water plant would soon be covered by the rental now paid being saved, after which time it would be of no expense. Until this can be done of course the meter rate will have to be paid to the town of Genoa. The town board expect that the meter rate will increase the revenue from the school, and if it proves that the 10-cent rate does not do this they may at any time increase the rate. While such an arrangement exists the school will be at the mercy of the town, and this, too, for impure water, so that sooner or later the school will have to have its own water plant, and I strongly advise that it be given this at once.

[Excerpt from report of United States Supervisor Indian Schools Albert O. Wright, on the Genoa Indian School, dated April 24, 1902.]

The water supply is now obtained from the village. As usual the rate is too high, the authorities thinking that the Government will have to take it. The wells from which the water is drawn are shallow wells in the center of the village, liable to be contaminated by the privies and stables near them. The water is pumped up to a reservoir on the hill and here gains force enough for ample fire protection.

You have already been fully informed by Special Agent MacComas on this question. After examining the situation personally, I think that it would be advisable for the Government to own its own water supply here. There will be no difficulty in securing wells at little depth. Being out of town, the wells need not be subject to contamination. The water can be forced up to proper height for fire protection either by an elevated tank, or preferably by a reservoir on the hill half a mile or less distant. The latter would involve purchasing a small site for such reservoir, which can easily be done.

An additional advantage of such a supply is that the water can be sure to be on hand when wanted for fire protection, of which there is no certainty under the village management, and that extra water can be pumped for watering the garden in dry times without much extra cost.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. ROBINSON] has expired.

Mr. BURKETT. Mr. Chairman, this is a matter that does not arise in my district, and I do not know that I ought to say anything about it. But I am going to tell the House something in regard to a communication that I have received from a gentleman who, I understand, is a member of the city board of the town of Genoa. As has been said, this is a small town which has not been able to support independently a water system; so a few years ago, as I understand, the town erected a city waterworks, with a sort of understanding that they would get for their water plant the patronage of the Indian school; and they have been supplying that school, as my colleague [Mr. ROBINSON of Nebraska] has stated, at \$700 a year.

Some time last winter, as my informant tells me, the Indians persisted in turning the water loose to make a skating pond; and

there was consequently some conflict between the city authorities and the Indian school authorities as to whether there was any right to do this under the contract to supply water at a flat rate. Finally the city authorities made an agreement to furnish water to the school at 10 cents per thousand gallons. In my city the rate is 15 cents per thousand. I do not know what the rate is elsewhere, but 10 cents per thousand is about two-thirds of the rate charged for water in my town.

As I was saying, November being a cold month, the school had its skating rink, and it cost \$108 a month. In short, as I gather from the letter which I have received (I am sorry that, not expecting this matter to come up, I did not bring it with me that it might be read), there seems to be a conflict between the superintendent and the city authorities; and so there comes to us a recommendation to build a separate water plant for the Indian school.

Now, in answer to the statement that is made somewhere—I think possibly by my colleague, Mr. ROBINSON—that the water supply was inadequate, he also writes me that they have just borrowed \$3,500 and were just completing some more additions—I do not know when these reports came in—that have been referred to as showing an insufficiency of supply, so that there will be no question about the adequacy of the water supply. In short, he writes that they have built the water plant depending on this revenue from the Government there to help them along, as they could not sustain it in the town without it. He further writes that so far as the town itself is concerned it does not want the Government to put this money in. I am in a somewhat peculiar position. I do not like to oppose a proposition of expending \$6,000 Government money in my State, yet since they have asked me to say that much, I have said it, that the city people there do not want this waterworks system erected in this Indian school.

Mr. ROBINSON of Nebraska. Mr. Chairman, I desire to say in reply to what has been said that it is well stated that this does not come in the district represented by the gentleman who just took his seat. It comes in the Third district, which I have the honor to represent. The animus of this whole thing is displayed in the fact that someone, some where, has written to some one or has urged upon someone that he look after their interests and not after the interests of the Government or of the Indian schools. Now, the truth of the matter is that a rate of \$700 per annum, where only 350 people inhabit a school, is the highest rate that is charged in any city anywhere in the United States.

There is no place where \$2 per head is charged for every inmate of any home or institution in the whole country, and the statement made under the meter system of last November, wherein it is claimed, or at least insinuated, that the inmates of the Indian school had flooded some kind of park as a skating rink, is pure hearsay. There is nothing here from the Indian Department or anywhere else except a faint rumor of such a thing. But it is a fact that during November it registered \$108, and since that time there has been no report received by the Department. Now, I will say, so far as the gentleman is concerned, that I appreciate any assistance he may give me in looking after the interests of the people of the Third district of Nebraska, but I would rather that the attitude assumed by him should be backed up by some of the reports made by the official inspectors who are to look after these matters, and not come from the selfish standpoint of those who desire to hold up the Government. I hope the amendment will be defeated.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For the support and education of 125 pupils at the Indian school at Hayward, Wis., \$20,875; pay of superintendent, \$1,300; general repairs and improvements, \$2,000; in all, \$24,175.

Mr. SHERMAN. I offer the following amendment as a committee amendment.

The Clerk read as follows:

Strike out lines 8, 9, 10, 11, 12, 13, and 14, page 41, and insert:

"For support and education of 175 pupils at the Indian school at Hayward, Wis., \$29,225; for pay of superintendent, \$1,300; general repairs and improvements, \$2,000; for erection of hospital, \$5,000; for erection of employees' quarters, \$4,000; in all, \$41,525: *Provided*, That if, in the discretion of the Commissioner of Indian Affairs, it becomes necessary to continue at said school an excess of pupils over 125 for the remainder of the fiscal year ending June 30, 1903, there is hereby appropriated therefor, to be immediately available, not exceeding \$3,350."

Mr. SHERMAN. Mr. Chairman, I ask that the Clerk read the following letter from the Commissioner of Indian Affairs relating to this amendment.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 23, 1903.

Hon. J. S. SHERMAN,

Chairman Committee on Indian Affairs, House of Representatives.

DEAR SIR: Referring to pages 22 and 23 of the memorandum handed you relative to Indian school estimates, it will be observed that I call attention



to a recent report made by Supervisor of Indian Schools J. F. House upon the Hayward Indian School, Wisconsin. He directs attention to the fact that the principal need of the school is a hospital building. As you will note, this was not included in the annual estimates, as this report of Supervisor House was filed subsequent to the rendition of the same.

Mr. House says there has been a good deal of sickness at the school; that it has a large enrollment, and if an epidemic of mumps, scarlet fever, diphtheria, or other diseases incident to children should break out at this school there would be no means of isolating patients. He is of opinion that a hospital should by all means be provided for the school. I would suggest, therefore, that an item of \$5,000 be added to the appropriation for a hospital building.

As the enrollment at this school has so materially increased over and above that which was anticipated when the plant was constructed, the agent, who is now in the city, has personally directed my attention to the necessity for additional quarters. I therefore suggest that an item of \$4,000 be added to the appropriation for the erection of an employees' quarters.

I also desire to direct attention to the fact that the Hayward School during its first year's existence had a very precarious attendance, and did not justify this office at the time the estimates were made up to recommend any increase, in view of the number of pupils. Its enrollment and average attendance is now 170, and I am informed by the agent that he has every reasonable ground to believe that during the next year the attendance can be maintained at from 175 to 200. Of course he will not be able to maintain this number of pupils on his appropriation for 125, and it would be bad policy to send these pupils back after they have requested admission into the school. To that end, therefore, I would earnestly recommend that the item for the Indian school at Hayward, Wis., as the same appears on page 41 of H. R. 15804, reported by you on December 9, be changed from line 8 to 14, as follows:

Mr. BURTON. Mr. Chairman, I would like to ask the gentleman from New York whether it is the policy of the committee to recommend the building of hospitals at all these nonreservation schools?

Mr. SHERMAN. There are hospitals at most of the schools already.

Mr. BURTON. Is it also the policy to build them at reservation schools?

Mr. SHERMAN. At some there are hospitals and at some there are not. The gentleman will understand that a very large number of the schools are day schools, and besides that, being reservation schools, there are hospitals at nearly all of the agencies, and the agency hospital does away with the necessity for having an additional school hospital.

Mr. BURTON. What is the expense of maintaining a physician in one of these nonreservation school hospitals?

Mr. SHERMAN. It varies. I should say it would not be to exceed \$500—three, four, and five hundred dollars.

Mr. BURTON. May I have a further question? Is it contemplated that a special physician will be engaged to take care of this hospital, or is medical attendance secured by contract or other arrangement with some local physician?

Mr. SHERMAN. Generally a contract is made with some local physician.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SHERMAN].

The amendment was agreed to.

The Clerk read as follows:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., \$118,900; for general repairs and improvements, \$12,000; for pay of superintendent at said school, \$2,250; addition to hospital, \$3,000; for cold storage, \$5,000; electric lighting, \$7,000; water system, \$7,500; in all, \$153,650.

Mr. BURTON. I move to strike out that portion in lines 3 to 6, of page 43, beginning with the words "for cold storage, \$5,000," and ending with the words "water system, \$7,500."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio.

Mr. BURTON. Let the amendment be read at the desk.

The Clerk read as follows:

On page 43 strike out the words beginning with "for cold storage," in lines 3 and 4, down to and including the first word, "dollars," in line 6.

Mr. LACEY. I should like to hear from the gentleman as to why that should be stricken out. This is in Arizona and that is a very warm country.

Mr. SHERMAN. I can explain why it should not be stricken out, if anybody desires to hear it, but I do not care to occupy time to explain unless somebody desires to hear me.

The amendment was rejected.

Mr. SMITH of Arizona. I offer the following amendment to that section.

The Clerk read as follows:

On page 43, line 4, strike out the word "seven" and insert the word "four;" and after the word "dollars," in line 5, insert the words "no part of which sum shall be used in installing any electric plant;" in line 6 strike out "fifty-three" and insert "forty-nine."

Mr. SMITH of Arizona. Mr. Chairman, the object of that is simply to prevent the attempt to install an electric plant at the Indian school at Phoenix, Ariz. I wish to say to the chairman of the committee [Mr. SHERMAN] that I understand from inquiry at the Indian Office that the purpose was to use this \$7,000 in an attempt to establish an electric plant at that school. It is an enormous institution, with a great number of houses, and the \$7,000 will do no good in the world toward the installation of an electric plant. The only interest I have in the world in this matter

is what I find in a letter sent to me by the Phoenix Light and Fuel Company, that gives the exact history of this thing, and it is in response to a letter which I wrote to the president of that company, telling him that they were speaking of installing an electric plant because a charge of \$4,000 a year was made for maintaining the electric plant. In response to that he sends the following letter, which explains the case. I hope the members will give their attention to this letter and will see the necessity of the amendment.

The Clerk read as follows:

PHOENIX LIGHT AND FUEL COMPANY,  
Phoenix, Ariz., January 16, 1903.

Hon. M. A. SMITH,  
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: Yours of the 10th instant at hand and carefully noted. I very much dislike to bother you with these matters, but it seems our representative in Washington is the only one we can call upon in the matter.

I am somewhat surprised at the amount they charge, namely, \$4,000, for lighting the Indian school for a year. Our light bill for 1901 was \$1,806.35; our light bill for 1902 was \$2,413.70, running as high in the month of December, 1901, as \$251.43, and as low in the month of August, for the month, as \$79.06. Our bill for December, 1902, was \$393.66, and for July, 1902, \$83.34 for the month.

The current used in the summer months is quite largely used for fan service in the daytime. This makes a gross cost of \$4,220.05 for lighting the school for two years, or \$2,110.02 per year.

The reason of the increase for 1902 over 1901 is that they have added several large buildings, and I understand that there is an appropriation for still further buildings.

They have also installed some 16 horsepower in motors for pumping, running laundry, printing press, etc., and it must be this additional service of power and increased lighting of buildings which causes the superintendent to ask for an appropriation of \$4,000. Even then it is cheaper than the Government putting up steam plants and buying and hauling coal. They have a steam plant there now, and out of the three boilers only one of them is fit to use, the others being out of use from hard usage; but that is neither here nor there.

They can not purchase coal and run electricity as cheap as we can furnish it to them. We are lighting 27 buildings, large and small, with the lamps, approximating a thousand lamps in use. This does not figure at a very high tariff per lamp for the past two years. I fully hope that this appropriation will not be kept in for the Indian school, and I wish you would see the Commissioner again, giving him these figures, and state to him that we have just spent nearly all of last year's gross income from the school in putting our line and apparatus in the highest condition for good service, and it would work a material hardship on us to have a plant installed.

Any information that you may wish I shall be pleased to furnish promptly.

Yours, very truly,

THOS. W. PEMBERTON, President.

Mr. SMITH of Arizona. One other word, Mr. Chairman. I would like to say that I wish to see any improvement possible at that Indian school, but I am convinced from that letter and knowing the man very well who wrote it that it is impossible for \$7,000, or, as he says subsequently in that letter, for any \$10,000 to install a plant that will be ready for service there all the time. It is intensely hot in the summer and they run quite a number of fans. They can not install any plant that will be ready for use during the whole twenty-four hours for twice what they have asked for in this bill. The expense for coal will be very high, on account of the long haul there. The light is now furnished by water power, and I am informed that it is furnished for half the price charged the city of Phoenix; so it strikes me, as a matter of economy and good service to the school, that the present arrangement should be maintained. Therefore I ask that the amendment be adopted striking out the \$7,000 and leaving the \$4,000 to pay for lighting the school, or whatever of that amount may be necessary. Last year it cost only \$2,000.

Mr. SHERMAN. Mr. Chairman, the price paid for electricity at the Phoenix school is for the current only. The installation in the building, the wiring, the lamps, and everything of that kind have been put in at Government expense and are owned by the Government and cared for by the Government. What is paid to the Phoenix Electric Company is simply for the current, and that accounts, probably, for the fact that they furnish the current for a less price than they do to the ordinary consumer in the city, as well as the fact that this school is a large consumer.

Mr. SMITH of Arizona. My friend must be mistaken in the statement he makes, for the letter states that they have expended the entire gross receipts from the school in putting wires into the school there.

Mr. SHERMAN. They have not put the wires into the school. What they have done, probably, is to put in a new transmittal wire from the city to the school. I do not know about that, but I assume that is it. It is a fact that there has been much criticism that the current has not been what it should be. In a letter from the Commissioner, which refers to several matters, he has this to say about this subject:

Referring to the item for the Phoenix Indian School (lines 4 and 5, page 43 of the bill), electric light, \$7,000, the memorandum which I furnished you concerning the necessity for this appropriation unintentionally omitted to give the reasons why this particular item is asked for. From the reports of the superintendent and Supervisor of Construction Charles, the electric-light system at this school is not satisfactory. All of the buildings are wired, and the school purchases the current from the electric-light company of the city of Phoenix. This current now costs 12 cents per kilowatt and 8 cents for power, and, at the time of the report of the superintendent, with soft coal at \$6.30 a ton, the amount paid for light during the past fiscal year was \$4,000

for the current alone. The superintendent says that the service is poor, and he recommends a complete lighting plant for the school. The school is 3 miles from the town, and the superintendent suggests that large establishments right in the city find it cheaper to run their own lighting plants than to buy the current. He therefore suggests an appropriation of \$7,000 to purchase and install machinery, switchboards, etc., for lighting and electrical purposes.

Taking in consideration the large amount of \$4,000 annually expended for current alone, and the school has to keep up repairs, would seem to make it desirable for the school to furnish its own current. There is a large heating apparatus connected with the school, an ice plant, pumping machinery, etc., which require the services of an engineer at all times, and with very little additional assistance as helpers to this engineer the expense on account of salaries would not be largely increased, and it is believed that by the installation of its own plant the school could save a great amount yearly, especially when it is noted that \$4,000 a year is paid for current, and only \$7,000 is asked to install the system.

Now that is an error. He means that is the amount appropriated. The figures given by the gentleman from Arizona [Mr. SMITH] are correct. There was \$2,100 paid last year. During the summer quarter, when the school practically closed down, the amount was between two and three hundred dollars, and for the subsequent quarter it was not quite \$1,000.

Mr. SMITH of Arizona. Does the chairman think that for anything like \$7,000 they can keep a thousand lights burning and a great many fans in the summer time going with soft coal at \$6.50 a ton, and more often \$10 a ton, or furnish electricity for that great institution as cheaply as it is furnished according to the statement made in this letter? If it can be done I do not care. What I seek is that it shall be done for the cheapest possible amount. The school is supported in a great measure by the people, and the town is proud of it and aiming to make it the best school in the United States. I am anxious for them to have the best possible service and the cheapest possible rate. But with the mere installation of a \$7,000 machine to light these great buildings, more than twenty in number—

Mr. SHERMAN. Twenty-odd; it is a very large plant.

Mr. SMITH of Arizona. An enormously large plant, with more than a thousand lights; I do not think that they can do it for the money.

Mr. CANNON. What is the annual cost?

Mr. SHERMAN. It was \$1,800 in 1901, \$2,400 in 1902. It is believed with this special plant that it would not exceed \$3,000. This is simply for the current. It does not take into account anything but the electricity in this \$4,000. There is nothing in this for the buildings nor repairs. The buildings are wired and lamped, etc.

Mr. CANNON. This is for the current?

Mr. SHERMAN. For the current furnished by the Phoenix Company.

Mr. CANNON. I want to say that to establish a plant of the kind the gentleman speaks of, \$7,000, to furnish an electric light as it ought to be, the appropriation would have to be multiplied by at least 3, appropriation after appropriation. And if \$3,000 or \$4,000 will purchase the current, I have not any hesitation in saying that it is much better than it is to enter upon the erection and maintenance of an electric-light plant.

Mr. SMITH of Arizona. And another thing I want to say in relation to that. I hope the chairman will recognize the fact that this plant is run by water power, which is an enormous water power at the falls. They transmit this electricity through great wires. They have just constructed a new line of wires, with very great wire, probably since this report was made, that would overcome any possible criticism as to the supply. That has all been erected now. And they are transmitting it over this new wire to the buildings of the school. Now, it is done cheaper than it could possibly be done by any \$7,000 plant that might be established at the institution. And as the gentleman from Illinois suggests, it is a matter of economy; and that is the only interest I have in the matter.

Mr. SHERMAN. I understand that.

Mr. SMITH of Arizona. They can not do it for that sum of money. The gentleman from Illinois is correct in saying that they will have to have appropriation after appropriation, and half the time with a shortage of coal that there is you are going to find yourselves without electricity for the supply of that great institution. This institution has an unlimited supply that they can call for any minute of the day or night and it is there. With their own plant out of order half the time, with a \$7,000 plant, they will not be able to make the supply; and I think to continue it under the present arrangement would give better service and at the same time will be economical. For those reasons I think that the amendment ought to be adopted.

Mr. SHERMAN. May I ask the gentleman from Illinois, because I assume from his remarks the gentleman is something of a practical electrician—

Mr. CANNON. Not a practical electrician.

Mr. SHERMAN. I mean, perhaps, not a practical, but interested in electrical light concerns, so that you have personal knowledge of these matters, which I have not, and my judgment is

based solely on the letters which come from the Indian office. Taking into consideration the fact that the buildings are all wired and lamped at the expense of the United States, repaired and maintained, is \$7,000 insufficient for the installment of the machinery necessary to generate the current.

Mr. CANNON. Why, undoubtedly. In the first place, if you take a promoter that seeks to sell machinery for an electric-light establishment, he is a very plausible individual. He does not say much about the necessity of additional steam; he does not say much about the price of coal; he does not say much about the fact that the plant must not only have a dynamo, but it must have it duplicated, because there is all the while the danger of breaking and shutting down; he does not say much about the fact that you must have an extra boiler, he does not say there is more to pay for firemen and engineers; he does not say much about the fact that you must have an equivalent of a practical electrician. I have no hesitation in saying that, you take even a place like Washington, if you could get light for 3½ cents per thousand kilowatts it would be much better to buy the current than to erect an electrical plant in our great public buildings.

The trouble is we do not count wear and tear; they do not count the numerous things that are bound to be necessary in the way of duplication of motor, duplication of dynamo, and the wear and tear. Of course I know nothing about this. If there be water power within 3 miles of this Indian school, as the gentleman from Arizona has said, with the step-up and the step-down, as they call it, machinery, as I have no doubt they have, or would have to have, they undoubtedly could furnish it at a profit, and a very good profit, for much less than the Government could furnish it by the erection of a private plant.

Mr. SMITH of Arizona. This letter which I have had read also says in a postscript, which the Clerk did not read:

P. S.—The 1,000 lamps installed means 100 horsepower. Of course, they do not light all at once, but there are times they need this amount or nearly so, and it will take more than \$10,000 to install a plant of capacity to care for their wants. Of course, Uncle Sam is rich and can afford it. I understand at Lawrence, Kans., where coal is about \$2.50 to \$3 per ton, they pay nearly as much per kilowatt for electricity as we charge. One of the strong points in our favor is we give twenty-four hours' service, always ready.

Now, this gentleman says further that this must be a standing current. They keep a standing current any time in twenty-four hours, and there is no cessation, and to keep a current all the time by a \$7,000 plant is absolutely impossible. Now, as the gentleman from Illinois says, there is a good deal in the way of repairs. They have to have duplicate machinery. It strikes me to be economy to let it go on at the rate they are charging of \$2,000 a year.

Mr. SHERMAN. The price paid is 12 cents per 1,000 kilowatts for lights and 8 cents for power.

Mr. CANNON. Well, that is a very good price. It used to be 15 cents, and has been reduced to 10 cents in place where they have taken considerable amounts, and in many places where there is a very large amount taken the price is from 3½ to 4 cents per 1,000 kilowatts. But the practical maintenance is in and out of an electric-light plant, with the duplicating of the machinery, and where the current can be purchased from private parties at anything like a reasonable price it will be cheaper than it will for the Government to erect a plant.

Mr. SHERMAN. Mr. Chairman, I am inclined to accept the gentleman's amendment rather than to oppose it, but to offer an amendment to the section read. The amendment will read, "Provided, That not more than 10 cents shall be paid for 1,000 kilowatts for light, nor more than 6 cents for power."

Mr. SMITH of Arizona. Well, that would mean this: This man says that in Lawrence, Kans., where coal is two dollars and a half or three dollars a ton, they pay nearly as much per kilowatt for electricity as they charge. Well, your coal would be six and a half to eight dollars a ton.

Mr. CANNON. But I understood the gentleman to say that this is by water.

Mr. SMITH of Arizona. Yes; it is by water.

Mr. CANNON. I will say that I have no doubt if the gentleman will put it at 8 or 10 cents they can very well afford to do the service, and I have no doubt it is less than the Government can do it by itself.

Mr. SHERMAN. Before I insist on my amendment let me ask the gentleman from Arizona a question. Does he think if we eliminate the provision for electric plant from the bill that the local company would enter into a new contract with the Indian Department to furnish light at 10 cents per 1,000 kilowatts?

Mr. SMITH of Arizona. I can not say; I have no information beyond what I have received in this letter. I know this—I wish I had the other letter here, in which it was stated that they were charging the city, and I guess they would not charge any more than they ever had—they were charging double to every other customer what they were charging this school.

Mr. CANNON. The gentleman from New York can secure it



by putting it in the alternative; if they can not contract at 8 and 10 cents, make this appropriation available.

Mr. SMITH of Arizona. In which event they ought to make the appropriation enough to light the institution and not leave it at \$7,000.

Mr. SHERMAN. I think I will adopt this course, Mr. Chairman. I will not oppose the amendment, but I will suggest to the Indian Commissioner that he at once make inquiries of the Phoenix company, and if he does not succeed in making a fair contract we will ask the Senate to correct this and authorize the plant. There is plenty of time to do that.

Mr. SMITH of Arizona. That is fair; I want the service as cheap as it can be had.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils at Indian industrial school at Pierre, S. Dak., \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$2,000; lighting plant, \$3,000; in all, \$31,550.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 13, page 43, after the word "dollars," insert the words "carpenter and shoe shop, \$500;" and in lines 13 and 14 strike out "\$31,000" and insert in lieu thereof "\$36,000."

The amendment was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils at the Indian school, Pipestone, Minn., \$25,050; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,000; for laundry building and improvements, \$7,000; for enlargement of boys' dormitory, to supplement the appropriation made in the act for the current year, and to be immediately available, \$4,000; for improvement in water plant, \$2,500; for industrial-school building, to be constructed of stone, \$15,000; in all, \$56,050.

Mr. SHERMAN. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Page 44, line 3, strike out "one hundred and fifty" and insert in lieu thereof "two hundred and twenty-five."

In lines 4 and 5 strike out "\$25,050" and insert in lieu thereof "\$37,575." Strike out the words "remodeling dormitory, \$7,000," line 8, and substitute "for additional buildings and improvements to complete plant, \$16,000; for the purchase of additional land, not exceeding 162 acres, \$11,745, to be immediately available: *Provided*, That in the purchase of said land not more than \$72.50 per acre shall be paid;" and in line 9 following strike out the words "forty-two thousand and fifty dollars" and insert in lieu thereof "sixty-two thousand seven hundred and ninety-five dollars."

Mr. BURTON. This is the fourth instance among these South Dakota schools where the appropriation is very largely increased. I wish to ask the chairman of the Committee on Indian Affairs whether he regards this large increase as necessary?

Mr. SHERMAN. The Commissioner writes as follows in reference to this proposed amendment:

Congress likewise gave \$40,000 to increase the capacity of this school. Plans were formulated along these lines, and advertisement was had some time prior to the date of that for Chamberlain, when a school building and dormitory was secured for the Rapid City school at the lowest bid, \$38,226. It was intended in these plans to remodel the present dormitory building, so as to give sufficient dining hall and kitchen accommodations in that building.

It was impossible to do this on account of the fact that the lowest bid received for it would have exceeded the appropriation by several thousand dollars. It is proposed out of the \$16,000 to make the necessary changes in this dormitory, also provide a laundry, employees' quarters, and such other buildings as may be necessary to round out and complete the school for 300 pupils. Special inspector of farming industries, Levi Chubbuck, investigated the conditions recently at Rapid City School, and he said that the management of the school was efficient and progressive and he had no doubt but that when the new buildings were completed the school would be readily filled to the limit of its capacity.

At present, however, he states that there are lacking adequate facilities for industrial work, that especially in the direction of agriculture the opportunities are very much restricted on account of the limited area of tillable land available, and he was of the opinion that so long as this condition existed the Rapid City School would fall short of meeting the purpose of an Indian school of its class; that if it is expected that the children at the school shall at maturity be self-supporting, the fact should not be overlooked that self-support must come through some phase of agriculture; which being true, the school work, even in the class rooms, should be intimately associated with farm work, and especially should there be abundant opportunity to give instruction in garden, field, and stable.

He concludes, therefore, to meet this need at Rapid City, it must have more land for cultivation and refers to the 162 acres of excellent land adjoining the school grounds, which he thinks could be secured for \$72.50 an acre, which price he thinks is not too much for it, considering location, quality of land, and being under irrigation. In view of the fact that unless this appropriation is made immediately available, the Government can not get possession of this land until after the 1st of July next, it is suggested that the same be made "immediately available," for the reason that the school will get all of the advantages of having the same in time for planting and pitching the crop, and it is urgently suggested that the words "immediately available" be added to the appropriation.

Mr. BURTON (before the reading was concluded). It is not necessary for the gentleman to read the rest of that document.

Mr. SHERMAN. Very well; I will print the balance.

Mr. BURTON. In general I do not believe in these appropriations, but I am informed that this is one of the most deserving

schools in the whole list. It is some 200 miles from any other school. I withdraw opposition to this amendment.

The question being taken, the amendment of Mr. SHERMAN was agreed to.

The Clerk read as follows:

For support and education of 150 Indian pupils, Rapid City, S. Dak., \$25,050; for pay of superintendent, \$1,500; for general repairs and improvements, \$2,500; for water plant, \$6,000; remodeling dormitory, \$7,000; in all, \$42,050.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to offer an amendment to strike out in line 6 the word "five" and insert "six." I wish to call the attention of the chairman of the Committee on Indian Affairs to the fact that this school has been increased, and provision made for maintenance there of 225 pupils; and that in all such schools the salary of the superintendent is not less than \$1,600. At the Chamberlain school, which is identically similar to this, the salary of the superintendent is \$1,600. Is there any objection to this amendment?

Mr. SHERMAN. No; I think not. I believe it is right.

The amendment was agreed to.

Mr. MOODY of Oregon. Mr. Chairman, I ask unanimous consent to return to line 13, page 28.

Mr. BURTON. I will ask the gentleman what is the object of his proposition?

The CHAIRMAN. For what purpose does the gentleman from Oregon [Mr. MOODY] desire to return to the page indicated?

Mr. MOODY of Oregon. For the purpose of offering an amendment.

The CHAIRMAN. The gentleman will please send his amendment to the desk.

Mr. MOODY of Oregon. The paragraph to which I wish to return is the following:

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, \$5,000.

To this paragraph the gentleman from Ohio [Mr. BURTON] moved an amendment to reduce the appropriation. The chairman of the Committee on Indian Affairs did not at the time have before him a list of the expenditures made during the last fiscal year, and consented to the proposed reduction of \$2,000. Later he obtained the itemized list of expenditures, which shows that the expenditures last year were \$3,217.33 and that \$1,782.67 was returned to the Treasury.

I find, upon consulting the financial department of Indian affairs, that an appropriation of at least \$4,000 will be required to properly administer the service contemplated in this paragraph of the bill, and I therefore move to amend by making the amount \$4,000.

The CHAIRMAN. Is there objection to going back to the paragraph indicated and inserting the amendment of the gentleman from Oregon [Mr. MOODY]?

There was no objection; and the amendment was accordingly adopted.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupil moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, \$50,000.

Mr. BURTON. Mr. Chairman, I move to strike out in line 14 the word "fifty" and insert the word "forty." I trust that this discussion has thrown some additional light upon the extravagance and injudicious methods of our Indian school system. This paragraph, however, seeks to perpetuate and increase the most objectionable feature of it. This relates to the nonreservation schools. The amount appropriated last year was \$40,000. It is proposed this year to increase the amount to \$50,000. I have been very much interested to hear this morning the ground of advocating the nonreservation school instead of the reservation school. As I understand the opinion expressed by Colonel Pratt and some others, it is that the young Indian, man or woman, should be removed from the reservation to some remote place and never returned to his home.

With all due respect to those who advocate that idea, Mr. Chairman, I want to say that it is simply inhumane. It means that the young Indian child shall go away from his home, from his tribe, from his old father and mother, and that when he gets the benefit of improved civilization, when he basks in electric light and enjoys the bounty of the Government, he shall stray away to a place remote from those who gave him life and to whom he owes the chiefest duty. I know no reason for raising this \$40,000 to \$50,000 unless it be to stimulate that idea, to give some additional opportunity to remove a larger number not to the nearest school, but to the most remote. Now, no doubt many of these young Indians would succeed. Full bloods and half-bloods have become excellent citizens, industrious and useful, but I do not believe there is an overweening desire on the part of the

Anglo-Saxon race to take them away from their tribes and their homes and by this extravagance foster a scheme under which they will be mingled with the white race.

Mr. SHERMAN. Mr. Chairman, I agree with the gentleman to this extent: I, too, am glad of the discussion of the past few days. It has shed light upon the Indian question—not to those whose duty it has been especially to originate legislation for those people in the past, but it has, I think, given to the members of Congress in general much information which they did not heretofore possess. I might say, in passing, that when the gentleman from Ohio [Mr. BURTON] directs his energies to any question and throws upon it the light of his intelligence, everybody is benefited by it. I do not, however, agree with his assertion that it has shown great extravagance.

I challenge that assertion. I think there has not been produced here evidence bearing out that assertion. He and I may differ materially as to the wisdom of certain appropriations. We do not differ as to some; we do as to others. But, frankly, I think the gentleman is in error in saying that vast sums are extravagantly expended. Now, in reference to this particular item, the increase is made necessary, first, by reason of the fact that the amount appropriated for the last two years has been found insufficient, and a deficiency appropriation has been asked for in each year. The deficiency last year was \$6,000. The number of pupils has increased in the nonreservation schools and the number of schools has increased, so that it has made it necessary to ask for an increased appropriation for next year. It seems to me a very plain and simple proposition, and I trust the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was rejected.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior; and his action in these respects shall be conclusive and not subject to review by any other executive officer: *Provided*, That not more than \$187 shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 47, strike out all of lines 23 and 24 after the word "Interior."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, I now offer the following amendment.

The Clerk read as follows:

At the end of line 15, page 18, insert: "*Provided also*, That in preparing implements and room for laundry work in all Indian schools, arrangements shall be made for doing by hand such an amount of said work as may be sufficient to teach the female pupils the art of hand laundry work."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BOUTELL. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee [Mr. SHERMAN] for some information which he can give more readily than any member of the House could investigate it for himself.

I would like to ask how the average per capita appropriation for the education of the Indian children at the present time compares with the average per capita appropriation which was formerly made for their instruction in the private schools?

Mr. SHERMAN. It always costs us less to educate the children in the contract schools than it did in the Government schools.

Mr. BOUTELL. Mr. Chairman, it has always seemed to me that the uplifting of the Indians must be very largely done by the uplifting of the individual members of the tribe, and it seems to me that the discussion on this bill has tended to substantiate that conclusion. I think that it is a fair conclusion from a study of the history of the Indians in our country that the greater part of the civilizing influences that have permeated these originally barbarous tribes has come from the indefatigable efforts and self-sacrificing labors of the missionary clergy of the Roman Catholic Church, from the times of Marquette, Joliet, and Tonti down to

the present day. And at the present time, when we are making these large appropriations for the education and civilization of the Indians, it seems to me that it would be a good policy for us, at least so far as the smaller and younger children are concerned, to return to the system of educating them in the private contract religious schools.

Certainly the first thing in the uplifting of primitive races is the driving out of superstition. Superstition is not a physical inheritance. It comes from environment, and the earliest glimpse of intelligence which primitive races get they get along the lines of superstition. It is my fixed conclusion that in the education of at least the younger members of the tribes greater progress would be made under the older system of instruction in the religious schools.

I should like to ask one other question, and that is whether the pro rata distribution of supplies and subsistence given under the treaties to these tribes is now withheld from those children who are in the religious schools and not in the Government schools?

Mr. SHERMAN. It is.

Mr. BOUTELL. Is that done under any act of Congress, or is it done under a departmental order?

Mr. SHERMAN. It is done under a departmental order, and the question has been raised that that order violated certain provisions of certain treaties. That question has been submitted to the Attorney-General, who has rendered an opinion that the order is not violative of the treaties.

Mr. BOUTELL. It seems to me that it is at least violative of the spirit and understanding of our engagement with those tribes. Could we not correct that by some provision in this bill?

Mr. SHERMAN. Personally, I wish we might.

Mr. BOUTELL. So that this pro rata subsistence which we agreed by treaty to give to these Indians should be given equally to those who are in the religious schools and to those who are in the Government schools.

Mr. SHERMAN. Perhaps I ought to say to my friend from Illinois that this question was brought up in the committee. An amendment was offered covering the point he now suggests, making it possible for the children in the non-Government school to draw the ration; but in the committee the point of order was invoked that it was new legislation and not in order upon an appropriation bill, and notice was given in the committee that a member thereof would raise the point of order upon the floor if the amendment was offered here; whereupon the gentleman who had offered the amendment in the committee stated that he would not offer it upon the floor if any member of the committee was to raise the point of order upon it.

Mr. BOUTELL. I would have been glad to submit such an amendment, but on the statement of the chairman of the committee it seems that it would be useless to do so.

Mr. SHERMAN. The gentleman can offer it, and possibly the point might not be raised against him. I do not know. I simply tell him what transpired in the committee. I might suggest to the gentleman that it was in the bill as reported a year ago and went out on a point of order. I do not remember who raised the point, but it was raised by some member on the floor.

Mr. BOUTELL. I withdraw the formal amendment and will submit the necessary amendment at the appropriate place at the end of section 5.

Mr. LACEY. Mr. Chairman, I offer the following amendment to section 1.

The Clerk read as follows:

The Court of Claims is hereby authorized to resume consideration of the claim of the Eastern Cherokees v. The United States, Congressional, No. 10386, and full jurisdiction is hereby conferred upon said court to hear and determine the legal and equitable rights of said Indians and of the Cherokee Nation under the treaties and laws relating thereto, and to render judgment thereon, subject to appeal to the Supreme Court of the United States by either party to said suit feeling aggrieved at the judgment of the Court of Claims. The Cherokee Nation shall have the right to intervene in said suit, and if suit is brought by the Cherokee Nation under the act of Congress approved July 1, 1902, or any other act, the Court of Claims shall consolidate said suits by proper orders: *Provided*, That the above reference shall not be construed as a concession that the Slade-Bender accounting was in fact an award or an account stated, or that the United States is indebted to said Indians in any sum or any account, or that it intends hereby to waive its proper and just legal or equitable defenses of any kind whatever; but said court is hereby empowered and directed to adjudicate said claim subject to the defenses aforesaid in accordance with the principles of law and equity.

Mr. CANNON and Mr. UNDERWOOD rose.

Mr. CANNON. Mr. Chairman, I reserve the point of order, or I will yield to the gentleman from Alabama for that purpose.

Mr. LACEY. Mr. Chairman, this amendment involves a very important question. It is one upon which this House not long ago asked an opinion of the Attorney-General, and I will ask in this connection to print with my remarks the response of the Attorney-General to the resolution of the House. I would like to have this leave at this time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to print in the RECORD the paper described. Is there objection? [After a pause.] The Chair hears none.



Mr. LACEY. I will not take the time of the committee to have it read at this time. This involves a very large claim that was referred to the Court of Claims by Congress. The Court of Claims in reporting it back did not determine the law of the case, but merely found the facts. The Attorney-General, Mr. Harmon, during Mr. Cleveland's Administration made a report which gave an opinion upon this claim, in which he declared it to be invalid. It is now claimed that the Court of Claims in their subsequent decision declared it to be valid. This was a controverted question. The Court of Claims, however, in their decision did not say that they held the claim to be a valid one, but simply found the facts; and under the Bowman Act I presume that was all they had the right to do. Therefore the question came back to Congress as to whether the claim should be allowed.

The subject was discussed in the Committee on Indian Affairs. The committee came into the House, asking the House to pass a resolution calling upon the Attorney-General to review the opinion of the Attorney-General, his predecessor, in connection with this later decision of the Court of Claims. The Attorney-General responds that he does not think that, in view of the litigation that is pending or likely to be begun growing out of the act of 1902, he ought to give an opinion upon the subject. Therefore this amendment is offered with a view of resubmitting the whole controversy, with the rights of intervention, to the Court of Claims, reserving, however, every defense, such as the statute of limitations, or any other sort of defense that the United States may have. With these limitations in this amendment I see no danger whatever in resubmitting the whole question to the Court of Claims and avoiding the examination of this large claim so far as Congress is concerned. I think, however, the point of order perhaps is well taken.

The opinion of the Attorney-General is as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., January 22, 1903.

SIR: December 16, 1902, my opinion upon certain questions relating to the claim of the Cherokee Indians against the United States was requested by the following resolution adopted by the House of Representatives:

"Resolved, That the Attorney-General of the United States is hereby requested to advise the House of Representatives with all convenient speed in the case of the Eastern Cherokees against the United States whether or not the award rendered under the Cherokee agreement of December 18, 1891, ratified by act of Congress approved March 3, 1893, as set forth in House Executive Document No. 182, of the Fifty-third Congress, third session, and the findings of fact of the Court of Claims of April 23, 1902, is res adjudicata; to review the opinion of the Department of Justice of December 2, 1895, and advise the House of Representatives whether the reasons set forth in that opinion now constitute a valid defense to the payment of said award."

The agreement of December 18, 1891, referred to in the resolution and ratified by section 10 of the act of Congress of March 3, 1893 (27 Stat., 612, 640), as described in the agreement itself and in the ratifying act of Congress, is one between certain commissioners on the part of the United States and certain commissioners on the part of the Cherokee Nation. The fourth subdivision of article 2 of this agreement is as follows:

"The United States shall, without delay, render to the Cherokee Nation, through any agent appointed by authority of the national council, a complete account of moneys due the Cherokee Nation under any of the treaties ratified in the years 1817, 1819, 1825, 1828, 1833, 1835-36, 1846, 1866, and 1868, and any laws passed by the Congress of the United States for the purpose of carrying said treaties, or any of them, into effect; and upon such accounting, should the Cherokee Nation by its national council conclude and determine that such accounting is incorrect or unjust, then the Cherokee Nation shall have the right within twelve months to enter suit against the United States in the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for any alleged or declared amount of money promised but withheld by the United States from the Cherokee Nation under any of said treaties or laws which may be claimed to be omitted from or improperly, or unjustly, or illegally adjusted in said accounting; and the Congress of the United States shall, at its next session after such case shall be finally decided and certified to Congress according to law, appropriate a sufficient sum of money to pay such judgment to the Cherokee Nation, should judgment be rendered in her favor; or, if it shall be found upon such accounting that any sum of money has been so withheld, the amount shall be duly appropriated by Congress, payable to the Cherokee Nation upon the order of its national council, such appropriation to be made by Congress if then in session, and if not, then at the session immediately following such accounting."

The last paragraph of section 10 of said act of Congress made an appropriation to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to employ persons to render "a complete account to the Cherokee Nation of moneys due said nation," as required by this provision. It is under this authorization that an accounting was had between the United States and the Cherokee Nation, as set forth in House of Representatives Executive Document No. 182, Fifty-third Congress, third session. Whether this accounting is in contemplation of law an "award," as described in the resolution, and therefore conclusive upon the United States, is a debatable question which it is not advisable for me to express an opinion upon at this time; but if it be an award, it is manifestly, under the terms of the agreement and the provision appropriating money to meet the expense of the accounting, an award in favor of the Cherokee Nation and not one in favor of the Eastern Cherokees.

Neither the agreement nor the provision appropriating money to meet the expense of the accounting authorized an accounting with the Eastern Cherokees, or between parties other than the United States and the Cherokee Nation, and if the accounting as had extended to matters outside of the authorization it is surely in that respect not obligatory upon the United States. Nor is there anything in the finding of the Court of Claims which changes or enlarges the effect of this accounting or makes it res adjudicata between the United States and the Eastern Cherokees.

The resolution also requests that I review the opinion of one of my predecessors, dated December 2, 1895, relating to this accounting, and advise the House of Representatives whether the reasons given in that opinion now constitute a valid defense to the payment of the money found due in such accounting. It does not seem advisable to comply with this request.

By section 68 of the act of July 1, 1902 (32 Stat., 716, 726), which act has been

duly ratified by the Cherokee Nation, as required by sections 74 and 75 thereof, Congress authorized the Cherokee Nation to bring suit against the United States at any time within two years in the Court of Claims, with a right of appeal to the Supreme Court by any aggrieved party in interest, upon any claim arising under treaty stipulations which such nation may have against the United States, and authorized the Court of Claims "by proper orders and process to make parties to any such suit all persons whose presence in the litigation it may deem necessary or proper to the final determination of the matter in controversy."

The present claim is one arising under treaty stipulations, and is, therefore, one which the Cherokee Nation has a perfect right to litigate against the United States under this statute. The payment of the claim to another or adverse claimant would not be destructive of this right, nor would it constitute a sufficient defense to such a suit if upon judicial inquiry the court should find the Cherokee Nation to be the rightful claimant. The Cherokee Nation, as I am informed, asserts a right to this claim, has employed counsel to prosecute the same agreeably to said statute, and is about to institute a suit upon the claim in the Court of Claims against the United States.

The terms of the statute are, fortunately, such that the Eastern Cherokees, who, as I am informed, claim adversely to the Cherokee Nation, may be made parties to the suit and compelled to litigate with the Cherokee Nation their adverse assertions of ownership, so that the rightful claimant against the United States may be judicially ascertained after full opportunity upon the part of both claimants to be heard, and the United States be thereby fully protected in the payment of the claim to the successful claimant, if the claim be adjudged to be a valid one against the Government.

The duty of supervising and directing the defense of the Government in this suit in the Court of Claims, and in the Supreme Court if there be an appeal, will devolve upon me, and for that reason it is that I deem it inadvisable, as hereinbefore stated, to express an opinion at this time upon the question whether the accounting had under the agreement of December 18, 1891, constitutes an award, or concludes the Government, or upon the question whether the reasons given in the Attorney-General's opinion of December 2, 1895, now constitute a defense to the payment of the money found due upon said accounting.

The claim under consideration is a disputed one, to which there are adverse claimants, each asserting substantial support for its claim of ownership. Congress has provided a method of determining the validity of the claim and ascertaining the rightful claimant, which ought to be acceptable to all parties in interest, because it accords to each a full opportunity to be heard in the Court of Claims, with a right of appeal to the Supreme Court.

With respect to the findings of fact made by the Court of Claims in the advisory proceeding referred to in the resolution, it should be noted that no judgment was or could be rendered thereon, and that in concluding its finding the court said:

"But whether said sum of \$1,111,284.70 was or was not improperly charged to the treaty fund, and whether interest should be allowed thereon, are questions of law upon which the court expresses no opinion."

Very respectfully,

P. C. KNOX, Attorney-General.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. LITTLE. If the gentleman will permit me, I did not catch the reading of the proposed amendment in full. Does it reserve the right of appeal to the United States?

Mr. LACEY. Oh, yes; the right of appeal is reserved. The difficulty about the Eastern Cherokees is they are neither a tribe nor a band and have no legal capacity to sue. A suit was brought by the Cherokee Nation. The Eastern Cherokees are a part of the Cherokees, or one part of the tribe. The Cherokee Nation set up this claim in that action. This amendment would enable the controversy between the Eastern Cherokees and the Cherokee Nation to be disposed of at the same time by intervention when this suit is brought in the Court of Claims.

Mr. LITTLE. I would suggest, for the benefit of the House, the fact that under the treaty recently made, or the agreement, suits were authorized to be brought by the Cherokee Nation or any band thereof. It is suggested that while these Eastern Cherokees are a portion of the nation, the nation are not authorized to sue for them. This enables them to sue along with the nation or a band in bringing suits.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. UNDERWOOD. Mr. Chairman, I think the point of order ought to be insisted on. It is clearly within the rule. Although this may be a very meritorious amendment, and I know nothing about its merits, I do not think a question involving several millions of dollars should come up in the House without notice and be considered at this time in this way. I therefore hope the gentleman from Illinois will insist on his point of order.

Mr. LACEY. I call the attention of the gentleman from Illinois and the gentleman from Alabama to the fact that Congress has already legislated on the subject. There is an existing law to authorize the bringing of this very suit, but the Eastern Cherokees are neither a band nor a tribe, and the statute in question, therefore, is imperfect in this, that it excludes the large portion of the tribe from having their rights adjudicated in the suit, a suit that undoubtedly will be brought, whether the proposed amendment is enacted or not.

Mr. CANNON. I want to say to the gentleman that it seems to me that this provision is subject to the point of order, and I do not believe a matter of such importance ought to be dragged through on a general appropriation bill.

The CHAIRMAN. The Chair is ready to rule on the point of order. The Chair sustains the point of order. It is clearly a matter of legislation.

The Clerk read as follows:

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate \$500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement,

except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding \$3,000 at any one purchase: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created.

Mr. BURTON. Mr. Chairman, I make a point of order on the first four lines on the top of page 49, and shall ask to have it sustained unless some good reason is given why the artesian well and the ditches should be excepted from the general rule.

Mr. SHERMAN. This work is not done by contract. It is done under the direction of agents or special officials, and largely by the employment of Indian labor. That is the theory of dispensing with advertising for bids in that one branch of the service.

Mr. BURTON. It seems to me that might create a situation in which fraud might be perpetrated.

The CHAIRMAN. The point of order is sustained. The Chair will call the attention of the gentleman from New York to the words "provided further," which seem to be unnecessary, inasmuch as the word "provided" appears at the foot of page 48.

Mr. SHERMAN. I ask unanimous consent to strike out the word "further."

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding \$25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

Mr. BURTON. Mr. Chairman, I think a point of order lies to nearly all of that section. It gives the right to transfer an appropriation from one object to another. Instead of specific appropriations for specific objects the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations here made for the purchase of subsistence for the several Indian tribes.

Mr. SHERMAN. I think no point of order lies against that, Mr. Chairman. I think no point of order can be properly laid against the provision which went out a moment ago upon the point the Chairman sustained. This is not legislation; it is the limitation upon the appropriation herein contained. It seems to me an appropriate limitation also. It is an appropriation that relates simply to the money appropriated in this act.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Mr. BURTON. Mr. Chairman, I do not know but that the decision of the Chair is conclusive upon this section; but it seems to me that this is subject to a point of order. We all know the reason why appropriations are not to be diverted from one object to another. If the appropriation is more than the amount required, the balance is covered back into the Treasury; if less, the executive department comes to Congress for an additional appropriation. Now, this makes the funds available for the pay of specific employees in case there is more than enough available for another class of employees. It authorizes a change or transfer of money from the object specified to others without further action of Congress.

Mr. SHERMAN. It is for an object provided for in this bill and this bill only. This identical provision has been on the Indian appropriation bill for at least ten years.

Mr. BURTON. One further point to which I wish to call attention. There is in lines 7, 8, and 9 this provision: "And when necessary specified employees may be detailed for other service when not required for the duty for which they were engaged." I can conceive circumstances under which that might be desirable, but I do not think it is in accordance with the policy pursued by Congress heretofore.

Mr. SHERMAN. Mr. Chairman, a teamster on a reservation might not be needed in the line of his specific duty, and he could, under this provision, be otherwise employed. A blacksmith might have nothing to do and he might perform the service of a teamster who is in the hospital. So the employees occupying one position and another at an agency may be shifted if it is necessary for the good of the service.

The CHAIRMAN. The Chair is of the opinion that while the language may not be apt for the purpose, the result is equivalent to an appropriation of an indeterminate balance of money, already legally appropriated for the purpose provided by law, to other purposes provided by law, of the same character and of the same general authority of law now existing. It is not new legislation in any proper or ordinary sense. It is simply taking a balance of a fund, which might have been an original appropriation, out of the Treasury, and instead of taking it from the Treasury it is taken from that fund and appropriated for a purpose already provided by law. The Chair therefore overrules the point of order.

The Clerk read as follows:

SEC. 5. That whenever, after advertising for bids for supplies in accordance with sections 3 and 4 of this act, those received for any article contains conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1904, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1903.

Mr. BOUTELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph the following:

"*Provided further*, That in the distribution of subsistence or other supplies no discrimination shall be made against or on account of children attending private schools."

Mr. STEPHENS of Texas. I make a point of order against that amendment. It is new legislation.

Mr. BOUTELL. I should like to be heard very briefly on this point of order, which I understand is made on the ground that the amendment is new legislation. It seems to me that this point is not well taken. We are, as I understand, under treaty obligations to make certain appropriations and distribute certain subsistence and supplies to the Indians. This subsistence and these supplies are distributed pro rata and per capita according to the membership of families, including the children. When these children are in attendance at the Government schools the full per capita distribution is made.

Now, I understand that on account of the establishment of Government schools, and not on account of any other law, the Interior Department has held that the pro rata distribution should be withheld from the children who attend private schools. Now, Mr. Chairman, the attendance of the children upon private schools entails no additional expense upon the Government. The pro rata distribution to these children would take place if they attended Government schools. There is no new legislation in this provision. It is merely declaratory; it merely interprets; it simply gives to the Department our understanding of the legislation in this bill. I submit, therefore, that no point of order lies on the ground that this is new legislation; because a distribution would be made to the children now in religious schools, not on account of any legislation, but simply by a change in their schools, if these children should leave the religious schools and attend the Government schools.

The CHAIRMAN. The Chair is constrained to hold that this is new legislation. It undertakes to abolish a discrimination which, it is asserted or implied, is now made, either by law or without law. It undertakes to direct the exercise of a discretion heretofore authorized by law, or else it undertakes to regulate the action of this officer by some new provision or limitation of law. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 7. That section 5 of the act approved February 23, 1899, entitled "An act providing for the sale of the surplus lands on the Pottawatomie and Kickapoo Indian reservations in Kansas, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That before any of the surplus lands belonging to either of said tribes of Indians shall be sold under the provisions of this act there shall be allotted by the Secretary of the Interior 50 acres to each absentee of either of said tribes, and also to each of the children of members of the respective tribes born since the allotments heretofore made were closed and to whom allotments have never been made, but all allotments shall be made and accepted subject to existing leases: *Provided*, That in making these allotments the said Pottawatomie children and absentees shall be restricted to the Pottawatomie lands and the Kickapoo children and absentees to the Kickapoo lands: *Provided further*, That in case there are not sufficient surplus lands belonging to either tribe to allot lands to each child and absentee in quantity as above provided, said surplus lands shall be allotted to each of said children and absentees pro rata, as near as may be, according to legal subdivisions: *Provided further*, That this paragraph relating to allotments may be adopted



or rejected by either tribe separate and apart from and without affecting the other provisions of this act."

Mr. GAINES of Tennessee. Mr. Chairman, I move to amend by striking out the last word. I should like to ask the gentleman from New York [Mr. SHERMAN], who has charge of this bill, to what degree, if at all, does this bill tend toward the abandonment of what is called the reservation policy which has heretofore characterized our Indian legislation?

Mr. SHERMAN. I do not understand the gentleman's question.

Mr. GAINES of Tennessee. My question is, to what extent, if at all, does this bill undertake to abandon what is known as the reservation policy which has heretofore characterized the greater portion of our Indian legislation?

Mr. SHERMAN. Only so far as it relates to making surveys of certain reservations and making allotments on reservations. There are several general provisions in the bill which provide for surveys of some reservations specifically; also provisions for surveys in general and for allotments in general, the amounts to be used in the discretion of the Secretary of the Interior on reservations.

Mr. GAINES of Tennessee. One other question—and I will say that the reason I ask these questions is that I was very much impressed by the argument of the gentleman from Ohio [Mr. BURTON], who, I think, rather took the position that our Indian policy has been somewhat of a failure; that at all events it is beginning now to be a failure, and because of preventing free intercourse of the whites and Indians by this reservation policy. Will the gentleman from New York tell me and the Committee of the Whole how many Indians can read and write English?

Mr. SHERMAN. I could inform the gentleman after looking over the statistics, but I have not the number in mind. There are nearly 30,000 Indian children in schools to-day, out of 260,000 Indian population.

Mr. GAINES of Tennessee. How many of the parents of these Indian children can read and write?

Mr. SHERMAN. I do not know. The gentleman, by examining the census reports, can ascertain. I have not the figures in mind.

Mr. GAINES of Tennessee. I want the gentleman to understand that in making my inquiry I pay him a compliment, because I think there are very few questions that have ever been asked of the gentleman that he has not been able to answer very thoroughly.

Mr. SHERMAN. I thank the gentleman for his compliment. I am sorry I do not happen to remember what he wishes to ascertain. I will say frankly that I have looked over the statistics, but I do not carry in my mind the answer to the question which the gentleman propounds.

Mr. GAINES of Tennessee. Will the gentleman tell the committee, then, how these children are progressing, as a whole, who are being educated to speak and read English? Are they simply going to school and going to school and going to school and learning a little education and then going back home, tying a tail on their backs, putting a skin over their heads, and taking to the mountains again?

The CHAIRMAN. The Chair will remind the gentleman from Tennessee that the debate is on striking out the last word to a single section of the bill.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that sufficient time be given the gentleman to ask what questions he desires, and that I may be allowed to answer them briefly.

Mr. GAINES of Tennessee. The gentleman can see that I have not this information, and I am called on to vote on this bill. I am very much impressed with what the gentleman from Ohio [Mr. BURTON] has said, and I really would like to know what effect our efforts to educate these people have really had in educating them and in really civilizing them, as to whether that civilization lasts when they go back to their territory. I understand they take right to a horse and skin and sled and dog and go out into the mountains. I was so informed yesterday, and I should like to hear the gentleman along that line.

Mr. SHERMAN. Mr. Chairman, the gentleman's question is a broad and sweeping one and is difficult to answer in a word. I will say to him, however, that in my judgment the education of the Indian during the last two decades has tended to the very material elevation of the Indian race, very material. It is true that in many cases an Indian attends school, reservation or nonreservation, learns to speak the English language, to wear clothes, to live as a civilized person lives, and that when he goes back to the reservation, surrounded by reservation conditions, it is not long before he has discarded his clothes and his habits of cleanliness and civilization, has put on the blanket, and has dropped to the level of his surroundings. I think in every case, however, that when a boy or girl or any great number of them go off to school and return to their homes, while unquestionably

many times they are drawn down to the general level, yet it never happens that such association does not elevate the whole plane at least a trifle.

Mr. GAINES of Tennessee. Now, if the gentleman will indulge me for a moment, I would like to ask—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURTIS. Mr. Chairman, I offer the following amendment: The Clerk read as follows:

SEC. 8. Wherever and to the extent that any of the lands within the place limits of the land grant to the Atlantic and Pacific Railroad Company within the Territories of Arizona and New Mexico were placed within any Indian reservation after the time when the right of the railroad company attached by the definite location of its line of railroad opposite thereto, and are still embraced within such Indian reservation, the Secretary of the Interior shall be duly authorized, in his discretion, to exchange surveyed public lands in the same Territory which are vacant, unappropriated, not mineral, and not timbered for private lands in such reservation of like area and value in the alternate sections granted to the railroad company, so far as may be necessary to obtain full governmental ownership of all the lands within such Indian reservation.

The railroad company or its grantee must, at its expense and by appropriate instruments of conveyance, surrender to the Government the full and unencumbered right and title to the private lands included in any exchange before patents are issued for the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon the completion of any exchange, the lands surrendered to the Government thereunder shall become a part of the Indian reservation within the limits of which they are situated. Nothing herein shall in any manner be so construed as to authorize the issuance of any land scrip, or to enlarge the quantity of land to which such railroad company or any of its grantees may be entitled under existing law.

Mr. SHERMAN. Mr. Chairman, I desire to reserve the point of order against that amendment, though I dislike to. I wish to know what the purpose of the amendment is, and until I hear I shall reserve the point of order.

Mr. BURTON. Mr. Chairman, I shall make the point of order.

Mr. CURTIS. Mr. Chairman, I hope the gentleman will reserve it.

The CHAIRMAN. Will the gentleman from Ohio please state his point of order?

Mr. BURTON. That it is absolutely new legislation.

Mr. CURTIS. If the committee will bear with me for a moment, I would like to have the gentleman reserve his point of order, because this amendment is offered at the request of the Department, and I would like to have a letter from the Department read in support of it. A large number of reservations have been extended by Executive orders, and private lands have been taken within those extensions. Last year the committee had to appropriate some \$28,000 to pay for the property owned by private individuals around which the limits of a reservation had been extended by an Executive order of the late President McKinley. This amendment simply gives them authority to exchange public lands in the same Territory and of the same kind as that included within the reservation as extended for the lands so taken. I would like to have the letter, which I send to the desk, read, as it explains the necessity of this amendment, and then I hope that the gentleman will withdraw his point of order.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 12, 1908.  
The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,  
House of Representatives.

SIR: Recently you informally called to the attention of the Commissioner of Indian Affairs the fact that in the Territories of Arizona and New Mexico there are Indian reservations in which the alternate even-numbered sections are owned by the Government and the alternate odd-numbered sections are held in private ownership under the Atlantic and Pacific Railroad land grant. This situation is indeed an unfortunate one and is peculiar to certain reservations in Arizona and New Mexico. It arises from the fact that after the definite location of the line of the Atlantic and Pacific Railroad, and therefore after the right of the railroad company to the alternate odd-numbered sections had become vested and had passed beyond the control of the legislative or executive branch of the Government, certain Indian reservations were established within the limits of this railroad land grant, and certain other existing reservations were enlarged so as to include lands within the limits of said grant.

The result is that there is a divided ownership and a divided authority within the limits of these Indian reservations. This is destructive of the authority of the United States within the reservations and is alike injurious to the Indians and to the owners of the railroad lands. It works a serious injustice to those holding the railroad title, because while compelled to pay county and Territorial taxes upon their alternate odd-numbered sections they are unable to use them without coming into conflict with the Government's authority over and the Indians' use of the alternate even-numbered sections. It is especially desirable that this situation shall be changed. The Government, the Indians, and the owners of these private lands will be mutually benefited thereby. We respectfully recommend that the following provision for relieving this situation be inserted in the pending Indian appropriation bill or be made the subject of an independent bill, as may be deemed most advisable:

Wherever and to the extent that any of the lands within the place limits of the land grant to the Atlantic and Pacific Railroad Company within the Territories of Arizona and New Mexico were placed within any Indian reservation after the time when the right of the railroad company attached by the definite location of its line of railroad opposite thereto, and are still embraced within such Indian reservation, the Secretary of the Interior shall be duly authorized, in his discretion, to exchange surveyed public lands in the same Territory which are vacant, unappropriated, not mineral, and not timbered, for private lands in such reservation of like area and value in the alternate sections granted to the railroad company, so far as may be necessary to obtain full Governmental ownership of all the lands within such Indian reservation.

The railroad company or its grantee must, at its expense and by appropriate instruments of conveyance, surrender to the Government the full and unincumbered right and title to the private lands included in any exchange before patents are issued for the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon the completion of any exchange, the lands surrendered to the Government thereunder shall become a part of the Indian reservation within the limits of which they are situated. Nothing herein shall in any manner be so construed as to authorize the issuance of any land scrip, or to enlarge the quantity of land to which such railroad company or any of its grantees may be entitled under existing law.

We believe this provision fully meets the existing situation and contains safeguards which amply protect the Government and the Indians and effectually preclude injury to individuals. Equality in advantages resulting from every exchange is assured. Exchange is not compulsory on the Government and can be made only where it is deemed advisable by the Secretary of the Interior. No exchange can be made which increases the acreage of any private owner or diminishes that of the Government, or which changes the character or value of the lands held in public or private ownership, or by which the Government surrenders any mineral or timber lands. No roaming right of lieu selection is given, and no land scrip can be issued. The lands to be given in exchange by the Government are confined to surveyed public lands in the same Territory, and the authorization extends only to obtaining full governmental ownership of all the lands within these Indian reservations. We sincerely trust that the provision here proposed will receive the favorable consideration of Congress.

Very respectfully,

W. A. JONES,  
*Commissioner of Indian Affairs.*  
E. A. HITCHCOCK,  
*Secretary of the Interior.*

Mr. BURTON. Mr. Chairman, I do not see my way clear to withdrawing the point of order. It seems to me that it is clearly new legislation, and it is too important a proposition to tack on this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill, with sundry amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BARTHOLDT. Pending this motion, if my friend will permit, I ask unanimous consent to return to page 36 for a minute.

The CHAIRMAN. There is a motion pending, made by the chairman of the Committee on Indian Affairs, and unless he withdraws that motion it is the duty of the Chair to put it to the committee.

Mr. BARTHOLDT. Will the gentleman kindly withdraw his motion for a moment? I desire to make a statement.

Mr. SHERMAN. I will withdraw it for the purpose of allowing the gentleman to make a statement.

Mr. BARTHOLDT. Mr. Chairman, the committee yesterday, by a vote of 26 to 19, voted to strike out the lines from 3 to 6, inclusive, on page 36, which means that the Indian warehouse in St. Louis, only recently established, shall be abolished. I am quite certain that the committee voted under a misapprehension of the facts. It was stated in support of the motion to strike out that but a comparatively small quantity of goods had been shipped from that warehouse to the Indian reservations. The reason for this is that the warehouse has only been established for three months, and consequently it is not yet in working order.

Our argument in favor of the maintenance of an Indian warehouse in St. Louis, supported as it is by all the merchants and commercial interests of that great city, is that St. Louis is nearer to the Indian reservations than almost any other large city in the country. Furthermore, all the goods which are being bought for the Indians can be bought more cheaply in the market of St. Louis than almost anywhere else. I refer to the articles specifically needed for the Indians, such as blankets, meats, flour, tobacco, shoes, and so on. Therefore the maintenance of an Indian supply bureau in St. Louis is of the utmost importance, and certainly beneficial to the service. An appropriation of \$10,000 only is required for the maintenance of that bureau, and I sincerely trust that the committee will reconsider its action and keep this item in the bill.

Mr. SHERMAN. Mr. Chairman, I renew my motion.

Mr. BARTHOLDT. I ask that the committee reconsider its action on this item.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent—

Mr. SHERMAN. To make a statement.

The CHAIRMAN. To make a statement. The gentleman has not made any further motion.

Mr. SHERMAN. I renew my motion that the committee do now rise and report the bill, with the several amendments, and with a favorable recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. BARTHOLDT. Mr. Chairman, is my motion to reconsider not in order at this time?

The CHAIRMAN. The gentleman from Missouri can ask unanimous consent, if the gentleman from New York will withdraw his motion, to go back to this item in the bill for that purpose. Otherwise the gentleman from New York moves that the committee do now rise and report the bill back with a favorable recommendation.

Mr. BARTHOLDT. Pending this motion of the gentleman from New York, I obtained unanimous consent to go back to page 36.

The CHAIRMAN. The gentleman has not asked unanimous consent to do that.

Mr. BARTHOLDT. I thought I had.

Mr. SHERMAN. Mr. Chairman, I insist on my motion.

Mr. BARTHOLDT. Then I give notice that I will demand a separate vote on this amendment.

The motion of Mr. SHERMAN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SHERMAN. Mr. Speaker, I move the previous question on the bill and amendments.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded upon any amendment?

Mr. BARTHOLDT. Mr. Speaker, I ask for a separate vote on the amendment adopted by the Committee of the Whole, on page 36, to strike out lines 3 to 6.

The SPEAKER. The vote will first be taken upon the other amendments, reserving the one stated by the gentleman from Missouri for another vote.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment excepted by the request of the gentleman from Missouri.

The Clerk read as follows:

On page 36 strike out all of lines 3 to 6, both inclusive, the language proposed to be stricken out being:

"To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, \$10,000."

The question being taken on the amendment, it was rejected.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 15069. An act granting an increase of pension to Daniel P. Marshall;

H. R. 15922. An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes;

H. R. 10698. An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations in the State of Wisconsin; and

H. J. Res. 216. Joint resolution extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.; and

H. R. 11858. An act for the relief of William E. Anderson.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 569) to establish the department of commerce and labor, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HANNA, Mr. NELSON, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOODY of North Carolina, indefinitely, on account of sickness.



## POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill.

The SPEAKER. The gentleman from California, chairman of the Committee on the Post-Office and Post-Roads, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16990, being the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 16990, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16990) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.

Mr. LOUD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from California asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LOUD. Mr. Chairman, in view of the fact that there is to be some general debate on this bill, and to-morrow is Friday, to be taken up by the Committee on Claims, I shall reserve my time until we can approach nearer the consideration of the bill.

Mr. SWANSON. Mr. Chairman, I yield an hour to the gentleman from Tennessee, and then another member of the Committee will yield to him thirty minutes. I think the gentleman wants an hour and thirty minutes. I ask unanimous consent that the gentleman from Tennessee may have an hour and thirty minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Tennessee be accorded an hour and thirty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PATTERSON of Tennessee. Mr. Chairman, except for the fact that when the antitrust legislation, proposed by the majority of the Judiciary Committee, comes before the House I shall not then have the time to submit my views upon it, I should not now bring the subject up for discussion.

The industrial activities of our time have assumed in rapid sequence forms hitherto unknown, and the influence of allied wealth for good or evil is a subject which may well engage the serious attention of all.

The causes of its growth, the reason for its combination, its regulation and control as it enters into the trade of the nation and of foreign countries, the power of Government in relation to it, are all of prime importance.

The first and natural form of business enterprise was that engaged in by one person, which was restricted to his means, while individual responsibility, financial and moral, was the leading factor. A reputation for personal integrity was an asset of at least equal value to financial responsibility in this initial form of trade, and the relations of seller and buyer were as man to man, with the rights of each dependent upon laws and customs governing both in the same degree.

The partnership form followed when the scope and sphere of business sought enlargement, making more capital necessary and calling for associated effort. But in this also the element of personal responsibility was still preserved and individual integrity remained in the industrial equation. Moreover, the holdings of the individual, whether singly or in partnership association, could not be held in perpetuity, the span of human life measuring the limit of acquisition and ownership.

In the next stage of evolution came the corporation, where more persons were associated, greater capital was employed, the sphere of trade more widened, and where individuality gave way to the corporate existence. The corporate life, being wholly artificial, may hold property in perpetuity, and, possessing the quality of legal immortality, there may be no limit to its acquisition and ownership.

The last process of combination is found in the instance of corporations chartered with a large capital, having no business of their own, the purpose of the organizations being to control and combine other corporate entities, and, with unified wealth and power, direct the business of all. The most conspicuous example of such combination is the United States Steel Corporation, which was chartered under the laws of New Jersey in February, 1901.

Corporations of a public character, such as common carriers and the like, were within the memory of living man almost the only kind in existence, and industrial combinations for trade and

barter in the commodities of life were few in number, and thousands of men bought and sold who never came directly or indirectly under their influence. Now, however, they touch all people, and throughout the ordinary transactions of life they must deal and reckon with the corporate force, and its effects are felt socially and economically, in the home, in politics, and throughout the world of trade.

The tendency toward the unification of wealth is marked and rapid, and has introduced new elements of uncertainty and radically changed old conditions.

As corporate power is centralized and made more and more effective, the influence of the individual is less and less felt; as the one absorbs the other loses, and the American of to-day is fast becoming a dependent, with rights impaired, controlled by the creatures he has made for his welfare and service, who have grown so strong as to exact this service from their creators, and now defy them in the plenitude of their power.

## MONOPOLY AND PERPETUITY.

Our English-speaking ancestors were opposed to monopolies and perpetuities in any form, and in our own and advanced conception of government the right of the citizen to the full enjoyment of all the privileges which republican liberty bestows are paramount.

So whatever may lessen full opportunity for the citizen, whatever tends to the creation of great centralized power either in the government or by means of combinations organized for the control of markets or prices, whatever, in short, tends to decrease fair competition, or whatever by law confers special privileges to a few and accords unusual power to a class is opposed to and subversive of republican government.

Present industrial conditions in this country have their analogy in feudal holdings and transfer of landed estates, which gave rise to the mortmain law of England.

The prevention of monopoly, to the growth of which perpetuity was necessary, was the one thing above all others which the English-speaking people sought to attain. The chief means employed were restrictions against mergers and consolidations.

The thirty-sixth section of Magna Charta was a mortmain law having that very end in view.

Land being the principal source of wealth and the productions thereof at that time the principal source of commerce, that law prohibited the formation of "landed trusts," which were being established more than seven hundred years ago much as our modern stock and manufacturing trusts are now established.

To escape the burdens of feudal tenures, inferior landlords would surrender their titles to some corporation sole, as a bishop or abbot, who was exempt from feudal service, and take from the new owner a lease in perpetuity of the same lands, and in that way enormous landed estates were built up in these corporations sole, so that it seemed at one time that the land of all England might be thus absorbed.

To prevent the locking up of lands in the "dead hand," the mortmain statute provided:

It shall not be lawful for any to give his lands to any religious house and take the same back to hold of the same house. Nor shall it be lawful for any house of religion to take the land of any and to lease the same to him of whom he received it. And if any from henceforth give any lands to any religious, and thereupon be convicted, the gift shall be utterly void, etc.

Other statutes intended to more fully prevent land monopoly were passed, such as the statute "de religiosis" and the statute of 9 George II, chapter 36.

Going back in order of time, it may be stated that the mortmain law of Magna Charta was, in the reign of Henry VIII, applied and extended to all guilds, fraternities, commonalties, companies, or brotherhoods.

These provisions of the common law have descended to us, and we find in the bill of rights appended to the earlier constitutions of the States the declaration, "That monopolies and perpetuities are contrary to the genius of a free people and should not be allowed."

The Sherman law of 1890, to prohibit combinations and conspiracies in restraint of trade, was only expressive and a restatement in applicable and concrete form of the common law of England, which had existed for centuries as a protection and defense to the people against the evils of monopoly.

So we find the elements and evils of the modern commercial trusts like the landed trusts of England in John Lackland's day, creating the same fears among a people ever devoted to liberty, jealous of individual rights, and distrusting all forms of monopoly.

The development of combinations to control the prices of articles of necessity and to monopolize fields of activity in modern commerce has been so rapid that, almost without their knowledge and without a full comprehension of the mighty forces at work from which the new order of things has come, the American people have had their dearest interests invaded and imperiled.

Expressions of the fears and protests of the people are found in the platforms of both political parties, in legislation by 31 States of the Union, are indicated from the press, the pulpit, and the platform, and in the various messages of Presidents directing the attention of the Congress to the magnitude of the evil and the necessity of remedy by appropriate legislation.

But since 1890 no national legislation has been had, and in a steady and persistent ratio combination has succeeded combination, until now many of the avenues of trade are closed, immense interests are controlled, and many of the necessities of life monopolized.

Allied wealth is having its splendid day.

It threatens the small and timid competitor until its business is destroyed or it joins on terms prescribed for it the union of industries and loses itself in the whole.

It blights individual effort and enterprise.

It levies tribute upon every class and condition of citizenship.

It shadows and dwarfs the man.

And in its imperial sweep it holds the power to thwart and baffle the will of the people.

#### TARIFF RESPONSIBLE.

For the cause of this growth and perversion of corporate power we must look primarily to the tariff laws of the United States.

By a studied system of class legislation and favoritism men have been permitted to acquire illegitimate and abnormal wealth at the expense of the general public, and, once acquired, the affinity of wealth with itself was so strong that the anomalous conditions existing at the present are the inevitable result. The first and natural remedy, therefore, in the interest of the people would be a recasting and reduction of tariff duties, so that if competition be destroyed within it should come from without, and give to the masses the benefit of fairer and freer markets.

The President with studied emphasis has declared that the tariff laws do not affect the trusts and are not responsible for their existence.

He professes to be in favor of legislation for the control of industrial combinations.

In my opinion, Mr. Chairman, no man can be an honest trust reformer unless he is an honest tariff reformer. [Applause on the Democratic side.]

To now advocate the retention of high and prohibitive duties on articles controlled by industrial combinations, which have monopolized the home market and grown enormously rich, which give the advantage in price to the foreigner at the expense of the home consumer, is to stand for a pernicious principle which is inherently wrong and which will inevitably lead to confusion.

The manufacturing interests of this country, controlling the output and price of articles of common necessity, should be stripped of every vestige of misnamed protection whereby the tribute of the people is exacted. When what is called the American system was first advocated by Henry Clay, it was to be but a temporary expedient to stimulate manufacturers, then few in number and weak in resource, and it was defended upon the ground that agriculture was strong enough to bear whatever of burden the policy might entail.

The agricultural interests at the inception of the policy were alarmed, particularly those of the Southern States, whose people depended upon the products of the soil, and the fears then expressed have found a full justification in subsequent events.

As a result of that policy we not only find abnormal accumulations in the hands of a few, but the ratio of increase between urban and rural population largely augmented in favor of the former, and young men, abandoning the quiet pursuits of agriculture, crowd the cities to become attendant and dependent upon the power of money and subject to artificial distinctions which that power imposes. This unhealthy condition is peculiarly unfortunate in a Republic where the strongest ties which bind a citizen to his country are found in ownership of the soil and where independence in manner of living as well as thought are so essential to the preservation of our best ideals.

From the census reports of 1900 we find that in the decade between 1880 and 1890 the manufactured products for the first time exceeded in value those of the farm, and that agriculture, which had been the foremost branch of industry as well as the strong arm of government, had from that time on occupied a subordinate position.

The comparative reports on agriculture and manufacture show that the total value of all agricultural products, including live stock, for the year 1899, which is the last computed, was \$4,717,069,973, while the total value of all manufactured products for 1900 was \$13,010,036,514.

The startling disclosures of these figures are better understood when it is stated that the total of capital employed in manufacturing enterprises was \$9,831,486,500, which shows that the manu-

factured products, in excess of capital employed, are nearly equal in value to all agricultural products, while the total value is almost three times as much.

Can a policy of exclusion and pernicious favoritism by the Government be longer justified in the light of these statements?

Mr. Chairman, it is not my purpose to treat the question I am discussing in a sectional spirit. It is a broad national question, in which all the people are concerned; but the argument may be illustrated by the effect the tariff laws have had upon the cotton-raising States of the South, and what is true of them will be true of all other agricultural interests in the country, so far as concerns the operations of a protective policy.

A comparative statement of the value of farm products, agricultural products, and population of nine typical cotton-raising States with a like number of typical manufacturing States of the North will illustrate the inequalities and unfairness of the tariff to the American farmer.

The tables below are compiled from the census reports of 1900:

#### Value of farm products in nine Southern and nine Northern States in 1899.

SOUTHERN STATES.		NORTHERN STATES.	
Alabama.....	\$91,387,400	Connecticut.....	\$23,276,948
Arkansas.....	79,649,480	Maine.....	37,113,469
Georgia.....	104,304,476	Massachusetts.....	42,238,274
Louisiana.....	72,697,302	New Hampshire.....	21,929,988
Mississippi.....	102,492,283	New Jersey.....	43,657,529
North Carolina.....	89,309,638	New York.....	245,270,000
South Carolina.....	68,236,912	Pennsylvania.....	207,835,600
Tennessee.....	106,166,440	Rhode Island.....	6,353,864
Texas.....	239,823,244	Vermont.....	33,570,892
Total.....	954,067,194	Total.....	686,347,164

#### Total value of manufactured products of nine Southern and nine Northern States in 1900.

SOUTHERN STATES.		NORTHERN STATES.	
Alabama.....	\$80,741,449	Connecticut.....	\$52,824,106
Arkansas.....	45,197,731	Maine.....	127,361,485
Georgia.....	106,654,527	Massachusetts.....	1,035,193,989
Louisiana.....	121,181,083	New Hampshire.....	118,709,308
Mississippi.....	40,431,386	New Jersey.....	611,748,933
North Carolina.....	94,919,663	New York.....	2,175,726,900
South Carolina.....	58,748,731	Pennsylvania.....	1,834,790,860
Tennessee.....	108,144,565	Rhode Island.....	184,074,378
Texas.....	119,414,982	Vermont.....	57,623,815
Total.....	775,434,717	Total.....	6,498,058,774

#### Population of nine Southern and nine Northern States, according to census of 1900.

SOUTHERN STATES.		NORTHERN STATES.	
Alabama.....	1,828,697	Connecticut.....	908,420
Arkansas.....	1,311,594	Maine.....	694,466
Georgia.....	2,216,331	Massachusetts.....	2,805,346
Louisiana.....	1,331,625	New Hampshire.....	411,588
Mississippi.....	1,531,270	New Jersey.....	1,833,699
North Carolina.....	1,833,810	New York.....	7,298,694
South Carolina.....	1,340,316	Pennsylvania.....	6,302,115
Tennessee.....	2,020,616	Rhode Island.....	428,596
Texas.....	3,048,710	Vermont.....	343,641
Total.....	16,592,939	Total.....	20,996,635

The total value of agricultural and manufactured products of the nine cotton-raising States of the South amounts to \$1,729,501,911, while the value of manufactured products alone in the single State of New York reaches a sum far in excess of this amount. This, as well as other comparisons which may be drawn from the statistics, will illustrate the concentration of wealth and the unequal favors which a protective tariff bestows and the unequal burdens it imposes.

The cotton crop of the South is its great money crop. It has been in the past, and will be for many years to come.

This year, with prevailing prices, estimating the total crop at 10,000,000 bales, a sum approximating \$500,000,000 will be realized for it and its by-products.

The price it brings is a strictly competitive one, and as we export more than we consume, it is therefore fixed in the foreign market.

Be the price large or small, it is always the lowest based on the law of supply and demand.

With this crop nearly the whole of civilized mankind is clothed, and the South, by reason of her climate and soil, has possessed a natural monopoly by situation in the supply of this article of almost universal necessity.

The value of the exported cotton alone exceeds the combined value of all the iron ore, gold, and silver produced in the United States, while the total value of the cotton crop of the South is greater than the combined value of all the iron ore, gold, silver, petroleum, and anthracite coal produced in the United States. When it is manufactured into articles of use, the value is so large as to be almost beyond accurate computation.

In its new form it comes back to the producer loaded down



with tariff duties, and is sold to all the consumers of the country at high protection prices.

Not one bale of this immense crop can be successfully raised in the Northern States, while every great product of the North and West, such as hay, corn, oats, and wheat, may be and is successfully raised in the South.

With all this source of wealth, and endowed by nature with exclusive advantages of soil and climate, we find the Southern States in industrial servitude.

Throughout their limits there is not one line of trunk railroad to my knowledge that is owned or controlled by Southern capital. Local fire and life insurance companies are few in number and weak in comparison, and this business is practically done with Northern companies; likewise as to telegraph companies.

The manufacturing enterprises of the South represent in great part the overflow capital of the Eastern centers, and our banks are more or less controlled by the same influences. It is little wonder, then, that, contributing, as she must, her proportion of tariff exactions, and with the constant drain of a forced dependence which these exactions have caused, her substance should have gone in a steady and never-ending flow to the great money centers of the East.

And if perchance some of it returns seeking new and unexploited fields, it is welcomed and protected, but it does not compensate for the loss of industrial independence.

The results of war, devastating as they were, were but temporary and of small consequence compared to the wrongs the South has suffered since then by the most infamous tariff laws ever devised by the cunning and cupidity of man. [Applause on the Democratic side.]

Without one combination controlling prices in all her borders, she must pay the dual tribute which the tariff and the trusts exact.

I have often thought the South has been the most discriminated against of any section of the country. It is the most conservative portion of the American Union, with a white population more nearly homogeneous, and the day may yet come when it will be the nation's dependence if riot and revolution are to be quelled, the seeds of which the Republican party is sowing every day. [Applause on the Democratic side.]

If the South is true to her material interests, she will remain in the Democratic party until she can have fair trade and buy, as she must sell, in competitive markets.

If she is true to her racial and social instincts, she will remain so long as Theodore Roosevelt shall be President of the United States. [Applause on Democratic side.]

What can be expected of a man whose training, whose strenuous life, whose lack of sympathy with the masses, promise no measure of relief to a tariff-ridden people?

Author Roosevelt, in his "Life of Benton," speaks of Thomas Jefferson—one of the greatest men who ever lived or died—as a "shifty doctrinaire," \* \* \* "the father of nullification and therefore of secession;" of his theories as "cheap pseudo classicism borrowed from the French revolutionists," and in estimating the character of Jefferson said he was "constitutionally unable to put a proper value on truthfulness."

No wonder that the President denies the principles of white equality before the law, which Jefferson stood for, and recognizes the social equality of races which Jefferson would have denied and of which he could have no conception.

It is no marvel, therefore, that he should believe an unjust tariff has not made illegitimate combinations of wealth possible, or that he should divide them into "good and bad trusts."

Thieves can not be divided into good and bad thieves. They may differ in the amount of their larcenies, but thieves are all bad. So the American people think of this arbitrary distinction of the President, and will still believe that all trusts are bad.

Jefferson was a foe to perpetuity and monopoly in all their forms, and his name and the immortal truths which he enunciated stand as a pillar of fire to guide the human race to liberty, and will live and burn throughout the world in undiminished glory when the name of Theodore Roosevelt and all he ever did or said will be forgotten by the sons of men. [Applause on the Democratic side.]

Mr. Chairman, when our strenuous President went to the canebrakes of Mississippi on a hunt we all expected from the success which had hitherto attended his efforts in slaughtering wild animals that he would certainly get a bear. But the President failed.

However, when he goes trust hunting no one suspects him of serious intentions and there is no surprise manifested at his failure.

It is said that an old darkey who was his pilot caught a cub and tied it to a tree, but the President out of the goodness of his heart refused to shoot it, and I am quite sure if a trust were caught and tied to a tree he would think it was of the good va-

riety and refuse to harm it. [Laughter and applause on Democratic side.]

#### REPUBLICAN INSINCERITY AND INCONSISTENCY.

The position and history of the Republican party on the question of trusts has been one of insincerity and false pretense.

With a majority and in full control of both branches of Congress, it has refused any relief; and industrial combinations on gigantic scales are forming as never before to control commodities of daily use and consumption without let or hindrance.

The former chairman of the Judiciary Committee [Mr. Ray], now upon the Federal bench, in a labored report in the Fifty-sixth Congress undertook to show that the powers of Congress were exhausted in the Sherman law, and that a constitutional amendment was necessary before the question could be dealt with, and proposed an amendment to be submitted to the States.

The gentleman from Indiana [Mr. OVERSTREET] at another time in the same Congress submitted a report from the committee, in which he said, referring to combinations and conspiracies: "Congress can not with its present power restrain, control, or repress them. To-day combinations exist and control production and prices in many industries. Labor is affected, competition prevented, and industrial enterprise seriously injured."

So the Fifty-sixth Congress passed into history and the evils described did not diminish, but multiplied.

The first session of the Fifty-seventh Congress has expired without legislation, and in my judgment the short session will end with no measure of substantial relief enacted into law.

Before I came here I was led to believe that the gentleman from Maine [Mr. LITTLEFIELD], who has, as I understand it, prepared in whole or in part the bill now pending, was in the habit of eating a trust blood-raw before breakfast as an appetizer, but since then I am inclined to believe that it was all the hallucination of some newspaper man's mind.

The proposed bill, even if enacted into law, will not meet the expectations or just demands of the people.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question or two?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Iowa?

Mr. PATTERSON of Tennessee. Certainly.

Mr. SMITH of Iowa. I should like to ask the gentleman from Tennessee if it is not a fact that in March, 1889, after a Democratic committee of this House, the Committee on Manufactures, had been investigating this trust question for two entire sessions of Congress, it did not report to the House that it was unable to agree upon any measure to remedy the trust evil?

Mr. PATTERSON of Tennessee. I do not know how that is, but in 1889 the trust question in this country was not as acute as it is now, and people had not studied the question as they have since that time.

Mr. SMITH of Iowa. Did not your House adopt a resolution reciting—

Mr. PATTERSON of Tennessee. One moment. Under Republican policies and under Republican Administrations these great industrial trusts, according to the Interstate Commerce Commission, from 1900 to the present time have arisen and been formed in this country.

Mr. SMITH of Iowa. I like the gentleman's method of commencing only with 1900. I want to know if Grover Cleveland, President of the United States, did not, in December, 1887, call the attention of a Democratic House to the great growth of the trust evil, and if that Democratic House did not appoint the Committee on Manufactures to investigate the entire business; and if it did not, after wasting two entire sessions of Congress, report within two days of the end of the life of that Congress that it was unable to devise any measures to meet this evil, and if it did not recommend that the matter be referred to succeeding Congresses, when the next succeeding Congress had already been elected and was a Republican Congress? [Applause on the Republican side.]

Mr. PATTERSON of Tennessee. Mr. Chairman, I hope the gentleman is through with his speech.

Mr. SMITH of Iowa. I would like to ask the gentleman one more question.

Mr. PATTERSON of Tennessee. One moment.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. PATTERSON of Tennessee. In answer to the question put in the form of a speech by the gentleman, I am not probably as familiar with what occurred before 1900 on this question as I am with what has occurred since that time, but I want to say this: That if the country ever gets relief from the trusts it will be through the Democratic party, and it will never be through a party whose being and existence depend upon them. [Applause on the Democratic side.] Whenever I hear a Republican talk about wanting to hurt the trusts, it reminds me of the old negro who went out to look for work and prayed the Lord that he would not find it. [Laughter on the Democratic side.]

Mr. SMITH of Iowa. Now, if the gentleman has answered the question, I want to ask him another one.

Mr. PATTERSON of Tennessee. I answered your question. At that time the trust question was not acute as now. The tariff was the paramount issue. I add this in answer to your question. At that time no such thing was known in this country as one corporation organizing in a State to own and control rival corporations.

Mr. SMITH of Iowa. I will ask the gentleman this question, if he has concluded his answer. I want to ask the gentleman from Tennessee if it is not a fact that at the next session of Congress, after the Democratic Committee on Manufactures reported that it was unable to agree upon the question, a Republican Congress passed the Sherman law; and if in 1892 the Democratic national platform did not specifically pledge the Democratic party to enforce that law and pass all needful amendments to it? And I will ask the gentleman, further, if upon that platform the Democratic party was not intrusted with office and power, both in the Executive and both branches of Congress, and if it did not go out of power without having written one line or syllable of amendment to that law? [Applause on the Republican side.]

Mr. PATTERSON of Tennessee. I have answered that question once or twice before.

Mr. SMITH of Iowa. The Democrats have no other history as to trusts.

Mr. PATTERSON of Tennessee (continuing). I am not as familiar with ancient history as the distinguished gentleman from Iowa is, but I know something about contemporaneous events. Your President now and your committee has said that there is constitutional power to control the trusts, and that it is one that is vital before the American people; and I make the prophecy now that this Republican Congress will adjourn without a law being put on the statute books against trusts.

Mr. SMITH of Iowa. I do not believe that to be true; but what has that to do with the history of the Democratic party, that has twice been in power, with the next Congress controlled by the Democrats, and for four years, without one solitary word of legislation on that subject? What reason is there to believe that a restoration of the Democratic party to power will avail anything on this question?

Mr. PATTERSON of Tennessee. The Republican party in all its platforms and the Republican Presidents in their messages to Congress have urged action against the trusts. At the time the Democratic party was in power this question was not so acute. The tariff was the question which the American people believe lies at the basis of all allied wealth. If the Democratic party did not do anything then, does that form any excuse for the Republican party that it should do nothing now? The fact is, Mr. Chairman, that Grover Cleveland was aiming to correct the tariff laws of the country and to keep down favoritism and class legislation; and if Cleveland's ideas of tariff reform had been made the policy of this country allied wealth in its present shape would not have existed.

Mr. WILLIAM W. KITCHIN. I want to make a suggestion to the gentleman from Tennessee.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from North Carolina?

Mr. PATTERSON of Tennessee. I do.

Mr. WILLIAM W. KITCHIN. I wish to remind the gentleman from Tennessee and the gentleman from Iowa of a thing that the gentleman from Iowa may well consider, and that is that the Republican platform in 1888 denounced trusts; in 1892 the Republican platform more bitterly denounced trusts; but in 1896, when a different class of men controlled the Republican national convention, it failed to put one solitary word in the platform against trusts, and from that day until now nothing has been done by the Republican party. [Applause on the Democratic side.]

Mr. PATTERSON of Tennessee. I suppose the gentleman from Iowa will agree to one thing, and that is that this legislation is needed, and to another thing, that the power to legislate is with the Republican party. The President has spent two or three pages in his message on this question, the Attorney-General has given an opinion to the Senate, and the country will know how the record stands when this Congress shall have adjourned.

Mr. SMITH of Iowa. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Iowa?

Mr. PATTERSON of Tennessee. I do.

Mr. SMITH of Iowa. I want to say, Mr. Chairman, that the gentleman from Tennessee misunderstands me. I was only seeking to inquire—

Mr. PATTERSON of Tennessee. If you rise to a question I will endeavor to answer it.

Mr. SMITH of Iowa. The gentleman misunderstood me. I meant to inquire what ground the Democratic party had for claiming it should be placed in power in order to deal with this

question when everything done on the subject had been done by the Republicans, and the Democrats, though twice in power, in violation of their party pledge, had enacted no legislation on this subject.

Mr. PATTERSON of Tennessee. Who doubts that the policies of the Republican party have created the trusts? Who doubts that a class of favoritism that enjoys discrimination as a result of those policies have made them possible? The American people will not be longer deceived on this question. In the gentleman's own State of Iowa there are signs of revolt.

Now, Mr. Chairman, I was going to say when I was interrupted that in regard to this bill reported from the committee, that there is one feature which I approve, namely, the provision against railroad discrimination. I think, however, very little has been added to the existing law on this subject, and which, had it been enforced in the past, would have proven adequate.

The first question treated is that of publicity. It provides for publicity but it does not compel publicity. That is a radical defect so far as this feature is concerned. The bill provides that the returns specified shall be made, and for failure this penalty:

Any corporation failing to make such return, or whose treasurer or other officers shall fail to make the answers aforesaid, may be restrained at the suit of the United States from engaging in interstate commerce business until such a return is made.

If the return is made then the corporation can engage in interstate commerce, no matter what the returns may disclose, whether it be overcapitalized or operating to the hurt of commerce.

In the bill I have drawn it is provided, first, that a commission shall be created, and that the members of that commission shall be the secretary of commerce, the members of the Interstate Commerce Commission, and the Commissioner of Labor, which shall constitute and be known as the "board of corporations," and it provides for a full and complete return, using the language of the pending bill to show what the returns shall be. In the event of failure it provides not that corporations, joint-stock companies, and associations may be restrained by a suit to enjoin them from engaging in interstate commerce, but declares that the interstate business of such corporation or companies shall be declared unlawful. So that under this bill a corporation hereafter organized shall make these returns, and if it fails to do so may be enjoined. Under the bill I have prepared corporations hereafter organized as a condition precedent to further engaging interstate commerce must make these returns or else their interstate business is declared unlawful.

Now, if publicity, according to the Republican idea, is the first step toward regulation of the trusts, why not make the publicity feature mandatory? Why not make it a condition precedent to engaging in interstate commerce by corporations hereafter to be organized and obligatory upon those already organized? There is a vast difference between the authority which may or may not be exercised to restrain business and a total inhibition of commerce where the conditions governing the returns are not complied with.

The first might not compel obedience, the latter would. As it applies to corporations hereafter to be organized, it would not disturb the supply of the people, and every corporation intending to engage in interstate commerce would know before its organization exactly what to expect—that all its debts and contracts would be nonenforceable and its whole business unlawful unless the return was made as provided. In my opinion, all corporations now organized doing an interstate business should make the same returns under the same penalty for failure, for those now organized and doing interstate business are the ones who have the present capacity for evil, and the reasons are more apparent and controlling as applied to them.

In the message of the President we find that he speaks of overcapitalization as an evil and I find in the report of Attorney-General Knox, in response to an inquiry by Senator Hoar, that he treats overcapitalization as a fruitful source of fraud upon the public and a temptation to increase dividends by unfairly raising prices. But when we examine this bill from the committee we find no provision whatever on this subject, and corporations are left to capitalize as may suit their convenience, and their interstate trade, based on any sort of overcapitalization, is not disturbed.

In the bill I have drawn, if the board of corporations shall determine from the returns made that any corporation hereafter organized is overcapitalized, it shall not engage in interstate business and as a condition precedent to so engaging shall be capitalized at a fair valuation. And further, that for corporations now organized if it shall appear from the returns that they are overcapitalized and therefore doing a fraudulent interstate business, then such business shall be declared unlawful until they recapitalize upon a fair basis or until they pay into the United States Treasury a sum of money equal to the difference between their overcapitalization and a capitalization upon a fair and just valuation.



If overcapitalization is wrong, if these great corporations in their attempts to earn money upon stock that is watered and which represents no real value, raise prices and resort to other questionable methods, then I say again that the Republican party is insincere with the country when it fails to provide a remedy for overcapitalization. [Applause on the Democratic side.]

It will not suffice as an excuse for nonaction that vested rights will be injured. There can be no vested rights in fraud, and this right of the people to protect themselves is of first consideration. To prevent overcapitalization in the future, to penalize it as it now exists, will, in my judgment, not only protect the innocent who may invest or who have invested in worthless securities so far as they can be protected, but will prevent untold evils if these inflated industrial enterprises should collapse and fall—the victims of their own greed.

Likewise I think if it should be made to appear from the returns of corporations engaged in interstate business, or from other sources of information, that articles of general use and consumption are monopolized, and the prices thereof are controlled and fixed to destroy competition, that the business of the corporations so engaged shall be declared unlawful.

This might for a time, and doubtless would, create some disturbance in supply, but if we are to reach the evil thoroughly we must not halt in the work for commercial liberty and the preservation of individual rights, which the full flood of corporate wealth may submerge.

"Diseases desperate grown by desperate appliances are oft cured or not at all."

However, there is nothing desperate about the suggestion here made. No honest and legitimate business will be injured. No competitive industry can complain, and monopolies have not the right to protest.

Mr. Chairman, the gentleman from Iowa interrupted me and referred to the Democratic position before 1890, and I want now to call the attention of the House to one gigantic enterprise which is the last form of industrial combination, organized February 23, 1901, under the laws of the State of New Jersey. I select the United Steel Corporation as the archetype of the new form of the modern trust, both as showing its power and the necessity for remedial and preventive legislation.

It has an authorized capital of \$1,404,000,000. The purpose of its organization was to acquire, control, or absorb other industries, which it did, and it stands to-day the most unique and powerful industrial combination in all the world.

In the December Century there appears an interesting and able article by Mr. Henry Loomis Nelson, a writer of high repute and professor of political science in Williams College, on the organization and history of the United States Steel Corporation. To show the number and magnitude of the corporations it absorbed, the properties it controls, and the prodigious force it exerts, both in the production and price of commodities, the following extract from the article is quoted:

The properties and revenues of the corporation are those of an empire. Its officers and wage-earners constitute an army in number, but an army of beneficent producers, not one of waste and destruction. Its landed estates are measured in square miles, and its railroads and boat lines make it a transportation company of no mean importance.

Its most important subsidiary company is the "Carnegie Company of New Jersey." The capital of this company is \$200,000,000, half in stock and half in bonds. As the successor of the Carnegie Steel Company it is itself a combination of other companies, among them the most important of their kind in the world. It owns 19 blast furnaces and 6 rolling mills, among them the Edgar Thomson and Homestead steel works.

Another subsidiary corporation of the Carnegie Company is the H. C. Frick Coke Company, owning 40,000 acres of coal land, 20,000 acres of surface land, and 11,652 coke ovens. All of these lands and the ovens are situated in Westmoreland and Fayette counties, Pa. It owns also nearly 3,000 cars and now markets the product of 5,463 ovens belonging to other constituent companies of the United States Steel Corporation, besides the product of 1,600 independent ovens. Its capital stock is \$10,000,000. The inclusion of this company brought into the combination one of the ablest men of the iron and steel business. It is due to Mr. Frick's development of the Connellsville region that the United States Steel Corporation possesses one of its most valuable properties—a property which is almost, if not quite, indispensable to the realization of its plans. Mr. Frick is now one of the largest owners of the new combination.

Another subsidiary company of the Carnegie Company is the Carnegie Natural Gas Company, which leases 98,000 acres of gas lands in Pennsylvania and West Virginia. It has 180 gas wells, 300 miles of pipe lines, and annually furnishes 11,000,000 cubic feet of natural gas.

The Union Railway Company, another Carnegie property, with capital stock of \$2,000,000, operates about 74 miles of railroad track connecting the Monongahela River plants of the Carnegie Company and Bessemer with North Bessemer.

The Bessemer and Lake Erie Railroad Company is the lessee of the Pittsburgh, Bessemer and Lake Erie Railroad, which, having \$12,000,000 of capital stock, operates 203 miles of road running from North Bessemer, Pa., to Erie, in the same State, and Conneaut Harbor, Ohio. At this point on Lake Erie, the Pittsburgh and Conneaut Dock Company owns the docks at the terminus of the railroad. These docks can accommodate daily 25,000 tons of iron ore and 4,000 tons of coal. This subsidiary company also owns nearly a half interest in the Pennsylvania and Lake Erie Dock Company and 25 per cent of the stock of the New York, Pennsylvania and Ohio Dock Company.

The Carnegie Company also owns five-sixths of the Oliver Iron Mining Company, and the United States Steel Corporation owns the remaining sixth. This mining company owns in fee or holds by lease iron-ore properties in the Vermilion, Mesabi, Gogebic, Marquette, and Menominee ranges in the Lake

Superior iron region. It produces about one-quarter of the ore mined in that rich district.

Still another property of the Carnegie Company is the Pittsburgh Steamship Company. This company owned, before the consolidation, 12 steamships and 2 barges, having an annual ore-carrying capacity of 1,276,800 gross tons of ore. It now operates all the vessels formerly belonging to itself and to the other constituent companies of the United States Steel Corporation. These constitute a fleet of 112 vessels, of which 69 are steamships and "whalebacks" and 43 are barges. Their total carrying capacity is 9,488,600 tons. These vessels of the Great Lakes include ships of ocean-going size. Among them are the four largest steamships of the lakes, which were purchased from the American Steamship Company by the American Steel and Wire Company for \$5,600,000, each vessel having a carrying capacity of 9,000 tons. Each of the "whalebacks" can carry 6,000 tons of ore.

Other Carnegie properties are the Youghiogheny Northern Railway Company, and the Youghiogheny, Trotter, and Mount Pleasant water companies, with a total daily pumping capacity of 11,000,000 gallons of water. Finally, we have the Pittsburgh Limestone Company, able to produce every day 4,500 tons of stone.

The second subsidiary company of the United States Steel Corporation is the Federal Steel Company, also of New Jersey. The issued capital of this company is as follows:

Preferred stock, 6 per cent noncumulative .....	\$53,260,900
Common stock .....	46,484,800
Bonds (of constituent companies) .....	26,829,000
Total outstanding capital .....	126,574,700

The Federal Steel Company owns the Illinois Steel Company, with a capital stock of \$18,650,000, and the Lorain Steel Company, having capital stock of \$9,000,000. These two companies together own 21 blast furnaces and 6 rolling mills. In addition the Illinois company possesses a bridge and structural plant, two cement plants, a wire-rod mill, a bolt, nut, and rivet works, and a spike works. It further owns all the stock of the Chicago, Lake Shore and Eastern Railroad Company, which operates 299 miles of track; it owns several thousand acres of iron-ore lands, operates a number of mines in Michigan and Wisconsin, and owns 5,986 acres of coking-coal lands, part of which are in the Connellsville coal region of Pennsylvania and part in West Virginia. It also operates limestone quarries in Indiana.

The Federal Steel Company also includes the Minnesota Iron Company, which owns 150,300 acres of iron-ore lands in Minnesota and Michigan. The Minnesota Company, in turn, owns all the stock and \$3,500,000 of the second-mortgage bonds of the Duluth and Iron Range Railroad Company, which operates 192 miles of track and has ore docks on Lake Superior.

Another property of the Federal Steel Company is the Elgin, Joliet, and Eastern Railroad Company, which operates 190 miles of main line and branches and 114 miles of spurs and yards, a total of 304 miles of track. Another road belonging to the Federal Steel Company is the Masontown and New Salem road, which brings its coal lands and its ovens in Fayette County in connection with the Baltimore and Ohio and Pennsylvania railroads.

The third subsidiary company of the United States Steel Corporation is the National Steel Company, with capital stock issued to the amount of \$27,000,000, 7 per cent cumulative preferred stock and \$2,000,000 common stock, and an assumed bonded indebtedness of \$3,813,000. This company owns 13 blast furnaces, most of which are situated in Ohio, the rest in Pennsylvania. The company also owns 6 rolling mills and steel works, ore mines in the Mesabi range, and coking-coal lands in Pennsylvania.

The National Tube Company, with capital stock of \$50,000,000 equally divided between 7 per cent cumulative preferred stock and common stock, is the fourth of the subsidiary companies. It owns 5 blast furnaces, 9 rolling mills and steel works, 2 cut-nail factories, a galvanized and calaminated pipe works, 14 wrought iron and steel pipe and tube works, 2 seamless pipe and tube works, coke ovens, coal lands in Pennsylvania, West Virginia, and Ohio, limestone quarries, and Lake Superior ore mines.

The American Steel and Wire Company is the fifth of the subsidiary companies. Its capital stock is \$90,000,000, \$50,000,000 common and \$40,000,000 7 per cent cumulative preferred; its bonded debt is \$78,000. Its property consists of 11 blast furnaces, 15 rolling mills and steel works, 13 wire-rod plants, 23 wire-drawing plants, 16 wire-nail plants, iron-ore mines in the Mesabi range in Minnesota, in the Gogebic range, Wisconsin, in the Marquette range, Michigan, and in the Menominee range. It owns about 12,000 acres of coal lands in Pennsylvania, and limestone quarries.

The sixth subsidiary company is the American Tin Plate Company, with capital stock of \$20,000,000 7 per cent cumulative preferred and of \$3,000,000 common. Its property consists of 29 rolling mills and 26 tin-plate works.

The seventh subsidiary company is the American Steel Hoop Company, with capital stock of \$33,000,000, \$14,000,000 7 per cent preferred and \$19,000,000 common; owns 8 blast furnaces, 14 rolling mills and steel works, more than 7,500 acres of coal lands, ore mills in the Mesabi range, and coke ovens.

The American Sheet Steel Company is the eighth subsidiary company. Its capital stock issued is \$49,000,000, equally divided between preferred and common. Its authorized stock is \$23,000,000 of each class, a total of \$52,000,000. It owns 21 rolling mills and steel works, and more than 2,000 acres of coal lands in Pennsylvania and Ohio.

The ninth subsidiary company is the American Bridge Company, the authorized stock of which is \$70,000,000, half in 7 per cent cumulative preferred and half in common. There has been issued \$31,372,000 of the former and \$30,950,000 of the latter. This company owns 1 rolling mill, 25 bridge-building plants, and 5 bolt, nut, and rivet works.

The Shelby Steel Tube Company, the tenth subsidiary company, with issued stock of \$5,000,000, 7 per cent cumulative preferred stock and \$3,151,500 common stock, has 5 rolling mills and 7 seamless drawn-tube works.

Finally, the United States Steel Corporation owns the Lake Superior Consolidated Iron Mines, with a capital of \$30,000,000. These mines constituted the great Rockefeller properties, the acquisition of which was urged as essential by Mr. Carnegie while the combination was in process of formation.

The immensity of this property and the quantity of its output may be more impressive if the information is consolidated. Here, then, is a corporation which owns much the larger part of all the iron ore known to be in the ground in the Lake Superior region, and which, in 1901, actually shipped 61.6 per cent of all the ore shipments from the regions. The quantity of its ore is estimated to be 750,000,000 tons. Mr. Schwab, the president of the corporation, testified in the pending suit of Hodge, Smith, and Curtiss against the United States Steel Corporation that these ore properties are indispensable to the corporation.

The Lake Superior iron ore constitutes nearly three-fourths of the iron ore of the country. Moreover, it is the richest deposit of this mineral in the world. Nothing equal to it has yet been discovered. According to the testimony of Mr. John Birkinbine, an expert in iron metallurgy, and formerly president of the American Institute of Mining Engineers, there does not exist any "exploited ore deposit" which can be compared to what is known as the Lake Superior region. "This superiority consists not only in the excellent quality of the ore, but in the 'persistence of deposits.'" "In this region," said Mr. Birkinbine, "there was produced in the year 1901

more iron ore than was ever supplied by any entire country in a year, Great Britain and Germany being the only two countries which in any one year have approached an output equal to 85 per cent of that of the Lake Superior mines in 1901.

The total production of iron ore in the United States in 1901 was 28,887,479 tons. Of the total shipments, 20,589,237 tons were actually shipped from the Lake Superior mines. Of the whole Lake Superior product about 12,692,213 tons came from the mines belonging to the United States Steel Corporation, and this was nearly 44 per cent of the total ore product of the country.

Possessing the iron ore, the corporation also possesses the means for its transportation from the mines to the furnaces. It owns the fleet of 112 vessels already mentioned, the necessary terminals and wharves, and 1,467 miles of railroad having an equipment of 23,185 freight and other cars, and 428 locomotives.

Having brought the ore to the furnaces, of which there are 77, according to Mr. Swank, and 75, according to Mr. Schwab, the corporation possesses the means for transforming the ore into pig iron. It owns 54,269 acres of Connellsville coking-coal lands, there being less than 15,000 acres of unmined coal lands in the Connellsville region outside of the holdings of this corporation. It also holds or leases some 33,320 acres of steam coal, making, according to Mr. Schwab, a total of 87,589 acres, "situated in the best coal regions of the United States, and within easy access by economical transportation facilities to the producing mills." Of this coal 42,000 acres are of the celebrated Connellsville coal, which is recognized as the standard coking coal of the world, of which the average yield is 7,500 tons of coke to the acre, a total of 315,000,000 tons for the 42,000 acres.

Bringing the ore and the fuel, with abundant limestone, to its furnaces, it is able to produce annually from 8,500,000 to 9,500,000 tons of pig iron. This is a production equal to half of the world's output in 1880. In that year Great Britain, which stood at the head of the producers of pig iron, made 7,749,233 tons of pig—not so much as can now be made by the United States Steel Corporation alone. Then the United States, which stood second, produced less than half the possible output of this single corporation. In 1897 this country, then at the head of the iron producers of the world, made more than 9,652,680 tons of pig iron, a trifle more than can be produced this year by the United States Steel Corporation. In 1901, when the country's production had reached 15,878,354 tons, this company's present furnaces could have produced more than half of the total. Its actual production was 6,460,847 tons.

After the pig iron is produced the corporation can manufacture every year in its present rolling mills and steel works, numbering 112, more than 8,000,000 tons of Bessemer and open-hearth steel. It makes more than a million tons of wire rods. The Shelby Steel Tube Company alone has a capacity for making annually 63,000,000 feet of tubes. The 16 wire-nail plants of the American Steel and Wire Company can turn out 12,385,000 kegs of nails.

Again, we can form some conception of the enormous proportions of this giant among the industries by comparing its capacity with the country's total production. In its more than 250 mills and finishing works it produced, in 1901, 70.2 per cent of the Bessemer and 59 per cent of the open-hearth steel which is made in this country; about 60 per cent of the steel rails; about the same proportion of the structural steel forms; 65 per cent of the plates and sheets of steel; virtually all of the hoops and cotton ties; it has hardly any competition in the manufacture of tin plate, because the American Tin Plate Company is the original tin-plate maker in the United States; it made 66 per cent of the wire nails produced in the country; all or very nearly all of the barbed and woven fence wire, because of its ownership of patents, and 78 per cent of the wire rods and wire.

So that we find that this one great industrial combination owns one-half of all the available iron ore in the United States, and has a complete monopoly of two articles used in daily consumption by the people, and can control the price of many other articles necessary for the people's use.

Mr. HILL. How does the gentleman reconcile what he is now saying with the fact that wire nails and cut nails have fallen off within the last twelve months about 35 cents a keg, and are to-day lower than they were ever known to be in the history of the United States?

Mr. PATTERSON of Tennessee. I do not know that such is the fact.

Mr. HILL. Well, suppose it to be a fact, admit it to be a fact, and then go on and give your answer.

Mr. PATTERSON of Tennessee. I will not admit anything of the kind. I know one thing—that these industrial combinations, according to their own statements, are selling their products abroad, in foreign markets, and selling them cheaper than they are sold at home. This has never been denied. It was admitted by Mr. Schwab, of the steel trust.

This combination of corporations, therefore, is in a position where it can control the markets of the country in certain articles of necessary use, and with the aid of a high protective tariff may absolutely destroy competition at home by lowering prices generally or in particular localities, and raise them again when competition ceases.

It was stated by Mr. Albert Shaw, in the January Century, that Attorney-General Knox had reported that there was no law to reach the steel trust; and if this be true we behold the spectacle of a single industrial unit, whose influence ramifies throughout the world, which holds and may hold in perpetuity one-half the available iron ore of the country, with a complete monopoly now in certain articles of necessity, and the people without a law to prevent further combinations or greater encroachments.

If the opinion of the Attorney-General is sound, this trust could absorb still other industries, yet widen and extend its control, and in the end could own all the iron ore of the country and hold it in perpetuity.

This is just as probable now as the organization of the United States Steel Corporation itself was ten years ago.

#### CONSTITUTIONAL POWER TO REGULATE INTERSTATE COMMERCE.

The power of Congress to regulate interstate and foreign commerce should never have been doubted, for if there is one prin-

ciple more clearly and definitely recognized in judicial opinion it is this very power.

Under our system of government the theory of State and national sovereignty is well understood.

In the States the power of regulation and control of commerce is supreme and exclusive, unless it partakes of an interstate character.

When it does, the jurisdiction of the Government is exclusive, and no State can prevent its entry or prohibit the sale of any article of commerce before it becomes commingled with the goods of a State without the consent of Congress.

Under what is called the police power the States may forbid the sale of an article within their limits, where the public welfare requires it, when the article has lost its original character and becomes commingled with the property of the State, but it is for the very reason that it has lost its interstate character.

So when the State of Iowa attempted to enforce a statute against the sale of spirituous liquors, the Supreme Court of the United States held that it was unconstitutional, as against goods in original form, as the power to regulate interstate commerce was exclusive in Congress, and that the State could not exercise that right without the assent of Congress. (See *Leisy v. Hardin*, 135 U. S., 100; and the cases there cited and distinguished. See also 125 U. S., 507; 15 Wall., 232.)

In the present session of Congress a bill has been introduced, and has passed the House, granting the power to the State which was denied in the leading case just cited.

The case of *Knight v. The United States* (156 U. S., 1), commonly known as the Sugar Refining Case, is often cited, and was relied upon by the former chairman of the Judiciary Committee [Mr. Ray] and by the gentleman from Indiana [Mr. OVERSTREET] in their reports already cited, as conclusive of the lack of constitutional power on the part of Congress, and as showing the necessity of a constitutional amendment.

In the report filed with the pending bill the gentleman from Maine, who makes the report [Mr. LITTLEFIELD], does not agree with these conclusions, and finds nothing in the *Knight* case limiting the power of Congress over the subject of interstate commerce.

The *Knight* case does decide that Congress has no power to limit production and manufacture within a State, even though the production and manufacture may constitute a monopoly and affect, therefore, interstate commerce.

But this is a wholly different thing to holding that Congress may not at once assume control and regulation of any article after it leaves the limits of a State and assumes an interstate character; nor is the power to be questioned because its exercise may affect production or manufacture within a State.

The converse of the proposition announced by Chief Justice Fuller in the *Knight* case must be equally true.

The power of Congress to regulate interstate commerce was recognized and thus clearly stated:

The Constitution does not provide that interstate commerce shall be free, but by the grant of this exclusive power to regulate it it was left free, except as Congress might impose restraints. Therefore it has been determined that the failure of Congress to exercise this exclusive power in any case is an expression of its will that the subject shall be free from restrictions or impositions upon it by the several States; and if a law passed by a State in the exercise of its acknowledged powers comes into conflict with that will, Congress and the State can not occupy the position of equal opposing sovereignties, because the Constitution declares its supremacy and that of the laws passed in pursuance thereof, and that which is not supreme must yield to that which is supreme.

We are also indebted to this opinion for the restatement of the qualification of the common-law rule as to monopoly and the power of Congress relative thereto:

Congress is not confined to the common-law sense of the term as implying an exclusive control by authority of one branch of industry without legal right of any other person to interfere therewith by competition or otherwise, but that it includes engrossing as well as covers controlling the market by contracts, securing the advantage of selling alone or exclusively all or some considerable portion of a particular kind of merchandise or commodity to the detriment of the public, and that such contracts amount to that restraint of trade or commerce declared to be illegal.

It is further stated in this opinion:

Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its result should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from competition.

So when the question of the power of Congress came directly before the Supreme Court in the next leading case of *Addyston Pipe and Steel Company v. United States* (175 U. S., 211), commonly known as the *Addyston Pipe Trust* case, the principle was restated and the distinction drawn between the power of Congress to regulate production within a State and its power over the production when it entered into interstate commerce.

On the question of the jurisdiction of Congress and the States on the subject of interstate commerce Mr. Justice Peckham says:

But upon the matter of interstate and foreign commerce and the proper regulation thereof, the subject being not alone national, but international, in its character, the great importance of having but one source for the law



which regulates that commerce throughout the length and breadth of the land can not, in our opinion, be overestimated. Each State in that event would have complete jurisdiction over the commerce which was wholly within its borders, while the jurisdiction of Congress, under the provisions of the Constitution, over interstate commerce would be paramount and would include therein jurisdiction over contracts of the nature we have been discussing.

He also says:

As has frequently been said, interstate commerce consists of intercourse and traffic between the citizens and inhabitants of different States, and includes not only the transportation of persons and property, and the navigation of public waters for that purpose, but also the purchase, sale, and exchange of commodities.

See also *Gloucester-Ferry Company v. Pennsylvania*, 114 U. S., 196; *Kidd v. Pearson*, 128 U. S., 1.

In the *Addyston Pipe* case the question was raised that the contract in restraint of trade, if made at all, was by individuals, and that the interstate commerce clause of the Constitution was in derogation of the personal liberty and rights of individuals. In reply to this suggestion, Mr. Justice Peckham said:

On the contrary, we think the provision regarding the liberty of the citizen is to some extent limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact a law prohibiting the citizen from entering into those private contracts which, directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally, regulate to a greater or less degree commerce among the States.

Further on, this language is used:

What sound reason can be given why Congress should have the power to interfere in the case of the State and yet have none in the case of the individual? Commerce is the important subject of consideration, and anything which directly obstructs and thus regulates that commerce which is carried on among the States, whether it is State legislation or private contracts between individuals or corporations, should be subject to the power of Congress in regulation of that commerce.

In his address at Pittsburg on the commerce clause of the Constitution, Attorney-General Knox illustrates its power thus:

Congress, under this power, prevents the importation or transportation of articles deemed injurious to the public welfare. Thus the laws subject the movement of explosives to safeguards and burdens, exclude impure literature and diseased cattle, convicts and contract labor, and scrutinize and prevent, or check, many foreign and interstate movements throughout the entire field of international and national intercourse, in the interests of all the people, on grounds of commercial, hygienic, or ethical policy.

He says, again:

If the Sherman law exhausted the power of Congress over monopolies, the American people find themselves hopelessly impotent, facing a situation fraught with the most alarming possibilities, with which neither the Federal nor the State government can deal.

The contribution of Mr. Knox to the question of the constitutional power of Congress which, if not used, to quote his language, "The unchecked aggression of the trusts would result in practical monopoly of the important business of the country," forms an oasis in the desert of Republican insincerity.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PATTERSON of Tennessee. Yes.

Mr. PALMER. Does the gentleman think that Congress, under the power to regulate commerce, has the power to destroy it?

Mr. PATTERSON of Tennessee. If it is necessary for the public welfare, yes, of course it has, and who doubts it as a lawyer?

Mr. PALMER. That is good. I am glad we have the gentleman there.

Mr. PATTERSON of Tennessee. Does the gentleman doubt it?

Mr. PALMER. I do, certainly. I do not think the power to regulate carries with it the power to destroy.

Mr. PATTERSON of Tennessee. Do not we prohibit the transportation of diseased cattle?

Mr. RICHARDSON of Tennessee. And destroy them?

Mr. PATTERSON of Tennessee. And do not we tax oleomargarine?

Mr. PALMER. Does the gentleman think that the Congress of the United States should have the right to destroy the entire commerce of the country?

Mr. PATTERSON of Tennessee. I think the powers of Congress over interstate commerce are omnipotent, and the gentleman talks exactly like all Republicans talk, because he does not want any antitrust legislation. [Applause on Democratic side.]

Mr. PALMER. Does the gentleman not come from a State which believes in State rights?

Mr. PATTERSON of Tennessee. Yes; I believe in State sovereignty, but I do not want State sovereignty prostituted to the base uses of the trusts, and I believe the power of the Government is strong enough to control, and is exclusive of, interstate commerce, just as I think the States have the right and ought to control commerce within their borders. This is the trouble with the Republican party. Every time a question of this sort arises, some constitutional objection is made. We have the power. The question is whether there is virtue enough left in the Republican party to exercise that power.

In further reply to the gentleman, I do not doubt in the least that if Congress thought it was for the public welfare, and the business of a corporation was of such a character that Congress ought

to act, it could absolutely say to a corporation organized in a State, "We will declare your interstate commerce unlawful." Do you doubt that proposition?

Mr. PALMER. Oh, yes.

Mr. PATTERSON of Tennessee. No man can doubt that proposition, according to the decisions.

Mr. PALMER. I believe in State rights to some extent.

Mr. RICHARDSON of Tennessee. Yes, when they are not involved. [Applause on the Democratic side.]

Mr. PATTERSON of Tennessee. Do you believe in the regulation of the trusts?

Mr. PALMER. Certainly, and I am one of the committee that reported this bill. I hope you will vote for it when the time comes.

Mr. PATTERSON of Tennessee. I will vote for this bill if we can not get anything better, but it is a bill that is inconclusive and does not reach the questions in which the people are interested. The American people want the trusts controlled by mandatory legislation. They do not ask for the kind of publicity provided for in this bill. In other words, under the terms of this bill if corporations steal in public it is all right, just so they do not steal in the dark. Stealth by daylight is legal, but burglary in the nighttime is wrong, according to the publicity idea as there provided. If they make public their returns, nothing can harm them.

#### PRACTICAL REASONS FOR GOVERNMENT CONTROL.

The first reason why the Government should pass a law for the control of the interstate business of these great industrial combinations is because it is its constitutional and moral duty. The second is that without uniformity of State legislation no preventive or remedial legislation is possible.

Many of the States now have what are called antitrust laws of variable value, even if they were operative, but entirely wanting in uniformity. But all States in the Union save one could pass uniform laws, and one State fail or refuse, and that State should become the home of corporate combinations, as New Jersey has become, the legislation would be fruitless, because no State can prohibit commerce coming from another, and we are back again to the power of Congress and the necessity for its exercise.

The question is national in its character; it affects all the people in all the territory throughout the Union, and if monopoly is to be controlled and prevented, it must be by the strong arm of the National Government.

Mr. Chairman, the industrial conditions of the country demand earnest, prompt, and efficient legislation. The longer it is delayed the nearer we approach to socialism or something worse.

We should take warning by the past.

The ice trust brought suffering and death to the sick and poor when the price was put beyond their reach.

The machinations of the beef trust placed a necessity of life beyond the purse of labor, and the protest was loud, deep, and ominous.

The infamous coal trust caused untold suffering in centers dependent upon its supply, and the echoes of unrest and discontent are yet heard in the land.

Whatever weakens or destroys the faith of the people in good government brings us nearer to a day of awful reckoning.

Forces may be unleashed which no law can hold or compass. The time is now for the people through their representatives to assert that the creatures which they have made shall not turn to destroy their dearest rights.

The young student who conceived the thought of creating a man, dug in the church yards, went to the charnel houses and dissecting rooms until he got all the bones, ligaments, and every organ of the human body, and putting them together made a creature he called Frankenstein. He finally succeeded in infusing life in the monster and it grew into a being of enormous size and hideous mien, but it was soulless and had no human sympathy. It murdered the nearest relations and friends of its creator, and followed him to thwart his plans, and to bring misery and despair, and the author of its being was powerless against the dread and sinister influence.

The people have created corporations, without soul or human sympathy, and breathed life into their nostrils. Let them beware they prove not Frankensteins. [Loud applause on the Democratic side.]

Mr. REID. Mr. Chairman, owing to the lateness of the hour I shall not detain the committee but a few minutes. I want to take up the time allotted to me to discuss a subject which I consider pertinent to the pending bill. A few days ago, when the Agricultural appropriation bill passed the House, I noticed it contained a provision of some half million of dollars for the Weather Bureau, and a sum of \$30,000, I believe, for the Office of Good Roads Inquiry. It may cost considerably more money, Mr. Chairman, to prognosticate the weather than to collect and disseminate information and

conduct experiments in the art of good-road building, but I doubt very much whether it will be attended with as good results.

The Weather Bureau may be all right, but it illustrates a story told to me a few days ago by the distinguished gentleman from Tennessee [Mr. RICHARDSON]. A negro boy asked his father did he believe in signs. The old man told him "No," he did not take much stock in signs. He said the trouble with the sign was that when you saw a sign you could not be sure that there was not some other sign around that you had overlooked that wholly liquidates the first sign. [Laughter.] Until the Weather Bureau can assure us when they see a sign that there is not some other sign around that liquidates the first sign on which they have prognosticated we will still be in doubt as to their forecast of the weather regardless of the fact that the bulletin announces it with confidence twenty-four hours ahead. [Laughter.]

It is very far from my purpose to oppose proper appropriation for this great department of our Government, but I do insist that a sufficient inquiry has not been made into the question of good roads, and it is to that subject, Mr. Chairman, that I desire to direct the attention of the committee for a few minutes.

For the last few years at least the subject of good roads has been regarded as of secondary importance. I am mindful of the fact that I am treading upon delicate ground when it is discussed with reference to national aid, and desire to say to begin with that I favor no bill that has for its object the embarkment of the National Government upon a system of road building that will amount to an encroachment of the Federal Government upon any of the rights of the States or that savors of paternalism in any degree. Neither will I favor any bill that turns over to the Federal Government the control of all or any of the common highways of the country, or charges it with the responsibility of their maintenance, and this without reference to any pending bill.

But when carefully considered, Mr. Chairman, national aid to road construction will be found to be open to fewer objections from a constitutional standpoint than even the appropriation of moneys to improve rivers and harbors and other purposes, the constitutionality of which is no longer challenged or denied. The truth is that national legislation upon this subject was begun at the very threshold of our national history in the very necessity of the case, and would doubtless have become before this a definite and settled policy had it not been for the advent of the railroad, which was an enterprise within the reach of private capital and afforded opportunity for private investment.

Whether right or wrong, the constitutional questions involved have long since been settled, and it may be worthy of mention that the first legislation upon this subject was begun under the Administration of President Jefferson, who, March 29, 1806, approved the bill providing for the building of the old Cumberland road, the longest straight road ever projected or built by any nation, extending, as it did, a distance of 700 miles—from Cumberland, Md., to St. Louis, Mo.—and connecting the Atlantic seaboard with the waters of the Mississippi. The project commanded the ardent support of such patriots as Calhoun and Clay, Jefferson and Monroe, and was the subject of national appropriation during the Administrations of Jefferson, Madison, and Monroe. Stretching away to the westward, it was perhaps the strongest link that secured that great and at that time unknown country to the Union. It was the pathway of empire.

The population of the States west of the Ohio through which it went increased from less than a million to over three million and a half in a single generation after it was built. The story of the old Cumberland and its influence upon the history of this country, both industrial and political, is in itself an interesting theme. It has been written of it that—

It is a monument of a past age, but like all other monuments it is interesting as well as venerable. It carried thousands of population and millions of wealth into the West, and more than any other material structure in the land served to harmonize and strengthen, if not to save, the Union.

And the building of this road was only one of a number for which the National Government appropriated money. From 1806 for thirty-two years Congress appropriated sums of money for other roads aggregating \$1,600,000, besides the Cumberland, which cost about seven millions. There was the road from Detroit to Chicago, from Natchez to Nashville, from the frontier of Georgia to New Orleans, and from Memphis to the St. Francis River, in Arkansas. From 1854 down to the civil war \$160,000 was spent on the roads in the Territories. In 1865, \$140,000 was appropriated. And not only money, but grants of lands from time to time have been made to the States for the purpose of building roads, and grants of enough land to railroads have been made to make a half dozen large States of this Union in area. So the proposition that the National Government should contribute to the building of good roads is neither new nor unprecedented.

Mr. Monroe, in 1832, vetoed an appropriation bill for the old Cumberland road, but placed his veto on the ground that the bill went further than the mere application of the money. It

amounted to the exercise of sovereignty which, in his opinion, the Federal Government did not possess. It provided for a system of tollgates and penalties and punishment for malicious injuries to the road. This, he said, Congress did not have the power to do. So far as the policy was concerned, he expressly approved it, and went so far as to recommend a constitutional amendment investing the Federal Government with the powers, upon the consent of the States, to exercise the authority. But so far as the application of money or lands to the purpose is concerned, it is not so much a question of constitutional authority, but a question as to the propriety and practicability of the scheme.

I understand that the proposition is beset with difficulties. To what extent the Federal Government may fairly be called upon to assist in the matter, how her help is to be equitably apportioned to the various States, whether according to population, extent, or area, or length and character of existing highways, are questions that will require most careful consideration and may not be satisfactorily solved at the beginning, but that it will come at no distant day in some form or other may as well be conceded. The trend of the times is in that direction, and if it can be done consistent with constitutional authority I know of no subject that can engage the attention of this body that will redound more to the interest of the whole people than the bettering of roads and highways of the rural districts.

Macaulay, the great English historian, has said:

Of all inventions, the alphabet and printing press alone excepted, those inventions which abridge distance have done more for the civilization of our species. Every improvement of the means of locomotion benefits mankind morally and intellectually, as well as materially, and not only facilitates the interchange of various products of nature and art but tends to remove national and provincial antipathies and bind together all the branches of the great human family.

There is one way in which the Government can afford material aid to the States in the betterment of the common highways of the country, about which there can be no constitutional objection, and no question as to the ability of the Government to accomplish it. In 1893 Congress passed an act creating an office of road inquiry in the Department of Agriculture, the purpose of which office was to collect and disseminate information on the subject of road building, to conduct investigations, inquiries, and experiments regarding road material and road construction, and to encourage, by object lessons and otherwise, the building of better roads. And in my judgment this office, even within the short time of its existence, and with the very limited means and authority afforded it, has been of incalculable value to the movement.

I believe, sir, if proper provisions were made for the enlargement of the powers and duties of this office, and sufficient means placed at its disposal to carry out the purposes for which it was originated, no department of the Government could be made to contribute more to the building up and permanent improvement of the rural districts of this country. When we come to think about it, Mr. Chairman, every dollar of the hundreds of millions appropriated for rivers and harbors and every acre granted to encourage the building of railroads would be futile if it were not for the common roads and highways of the country. Render them impossible of passage for a fortnight and the wheels of commerce would stop, looms and spindles would cease to revolve, railroad cars would stand idle in their yard, and merchant vessels would lag in the harbor for want of cargoes to carry to the seas.

The removal of the raw material from the forest and the field, and mill and the mine, is the very first and, up to the present time, the most costly and difficult step in the whole system of transportation. There is not a State in the Union that is not retarded in its growth and development on account of impassable highways. Legislation for good roads is legislation directly beneficial to the agricultural class, and upon this class is built the whole edifice of industrial structure. The cost of all that is produced is always largely influenced, and in a vast majority of cases absolutely controlled by the cost of transportation.

Those who have made it their business to inform themselves upon the subject tell us that the cost of hauling a ton of average freight 1 mile over a good broken-stone road is 8 cents, that the cost of hauling the same ton over a mile of ordinary sandy road is 64 cents. In other words, the people of this country pay 56 cents per ton per mile "mud tax," as it has been sometimes called, for every ton of freight they move a distance of 1 mile. Calculated for the entire country, and the amount saved by the construction of good roads would be shown to be beyond comprehension. The sum total could not be less than the enormous sum of \$600,000,000 annually, or forty times as much as the entire Louisiana purchase cost, from which was carved 13 great States besides the Indian Territory.

"A very striking example of the economy of building macadamized roads came under my observation recently. A machine weighing 16,000 pounds was drawn 4 miles on the Brook turnpike, a macadamized road. It required 4 mules (4,000 pounds to the



mule) and one and one-half hours of time, at a cost of 15 cents per mule per hour, or a total cost for 4 miles of 90 cents. After traveling 4 miles on the macadamized turnpike the route lay a little less than 2,000 feet on a dirt road. To travel this 2,000 feet it was necessary to use 10 of the best mules and 7 men, and with this force it took nine hours to complete the journey. The cost was \$19.80, at which rate 4 miles would have cost \$209.08, or, in other words, \$208.18 absolutely thrown away for want of a macadamized road. A macadamized road, such as would have prevented this enormous waste of money, would have cost about \$100 per mile for every foot of width; that is, 12-foot road, \$1,200 per mile; 16-foot road, \$1,600 per mile, etc. One can well realize from this the enormous sum wasted annually by our present impassable highways."—[Bulletin from office of Road Inquiry.]

There is no nation of antiquity, of any considerable consequence, that did not devote a large part of its resources to the building of good roads. Some of them constructed thousands of years ago still exist as monuments to the greatness of the nation that built them. From Babylon to Rome and from Rome to France the greatest nations have left their impress upon the surface of the earth in the form of indestructible roads. Upon them depended the commercial and military strength of the State. Napoleon built for France the finest system of highways in the world, and they remain so to-day. They are the pride of the French engineer, and place France in the forefront of nations in the adoption of horseless vehicles and the modern methods of transportation upon highways.

In the building of railroads we have far outstripped other nations, and in the common highways, without which railroads could not exist, we are sadly behind. Let a few days of severe weather render the country roads impassable and the freight receipts of every railroad in the country fall suddenly off to the minimum. And in this fact is found the secret of the encouragement given the roads movement by the great railroad systems of the country. With commendable self-interest they have rendered every assistance to the Government to aid her in conducting experiments and carrying on this work. The cost of road construction is by far less to-day than it was a decade ago, due to the improvement in road-building machinery, and road-building material from place to place, as well as the improvement in chemical analysis and engineering. The day has come when the general revival of interest in road building will force the subject upon this body and the legislatures of the country for consideration.

The character of roads demanded for the successful operation of the rural free-delivery system, and the cheap and rapid transportation afforded by bicycles and horseless carriages insure a constant agitation of the subject until it will inevitably result in some means by which this great work can be thoroughly accomplished. And I believe that in its accomplishment will be found the solution of problems and averting of many dangers that now threaten and disturb. It is at least a sure method to relieve the congested centers of population and turn the tide toward the rural districts, where it properly belongs. It insures that equilibrium in the country's development that alone bespeaks a healthy and permanent growth. It means a more equal distribution of wealth and resources. It builds up the country side, and invites the crowded and discontented from the smoke and whirl of cities to the tranquil peace and wide pure air of field and forest.

In my own State, Mr. Chairman, the people are waking up to the importance of this great subject, and are calling upon legislators, both State and national, to give it their attention. And there is no State in all this Union that stands so much in need of good highways or that would receive greater benefit from their improvement than the State of Arkansas. More miles of railroads have been built in Arkansas in the last few years than in any State in the Union, and millions of money is now being spent upon the improvement of old roads; and yet, sir, within the very sound of the whistle of the locomotive stand vast forests of hard wood, cypress, and pine, inexhaustible beds of coal and minerals, the finest orchard lands in the world, fields of valuable grasses and grains, much of which is rendered comparatively worthless and suffered in a large measure to waste and decay for want of passable highways.

Through the courtesy of the Office of Road Inquiry I have to-day been furnished with some figures relating to this subject for the State of Arkansas. The best figures obtainable upon the subject show that in the State of Arkansas the average length of haul from farm to market is 24 miles. The average weight in pounds for one 2-horse team is given at 1,419 pounds. The average cost per ton per mile is 21 cents; therefore the average cost per ton for the total distance of 24 miles from farm to market is \$5.04. Now, from the census report of 1890, which I will pause long enough to say does not overstate the case by any means, the total tonnage of the principal farm products alone in 1890, in Arkansas, was 2,365,905 tons. At \$5.04 per ton it costs the farmers of Arkansas \$11,924,161.20 to move these products over the average distance of 24 miles from the farm to the market.

These figures are indeed startling, but, sir, they by no means overstate the facts. The hundred incidental inconveniences of bad roads, the cost of which can not be measured in dollars and cents, are not taken into consideration. At a conservative estimate for the State of Arkansas, two-thirds of this enormous expense might be saved to the people of that State by the building of proper highways. In less than four years the sum would furnish the State with as good a system of roads as there is on the face of the earth.

The blessings, moral and intellectual as well as industrial, that would flow from such conditions we can neither measure nor comprehend. Stately farmhouses and comfortable country homes would take the place of cabins in the valleys and on the hillsides, the breeding of fine stock would be encouraged and promoted, and the farm and the country would develop a hundred attractions it does not now possess. I hope, sir, the day is at hand when the subject will receive the attention it deserves and proper means be devised by which the nation and the States may cooperate in the work. [Loud applause.]

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16990) making appropriations for the service of the Post-Office Department, and had come to no resolution thereon.

#### RETURN OF BILL TO SENATE.

The SPEAKER pro tempore laid before the House the following resolution of the Senate; which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES.

January 28, 1903.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

#### FIXED RELATIONSHIP BETWEEN THE MONEYS OF GOLD-STANDARD COUNTRIES AND SILVER-USING COUNTRIES.

The SPEAKER pro tempore laid before the House the following message from the President; which was read, ordered to be printed, and referred to the Committee on Coinage, Weights, and Measures:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying notes from the Mexican ambassador and the Chinese chargé d'affaires ad interim, which seek the cooperation of the Government of the United States in such measures as will tend to restore and maintain a fixed relationship between the moneys of the gold-standard countries and the silver-using countries.

I recommend that the Executive be given sufficient powers to lend the support of the United States, in such manner and to such degree as he may deem expedient, to the purposes of the two Governments.

THEODORE ROOSEVELT.

WHITE HOUSE, January 29, 1903.

#### DEPARTMENT OF COMMERCE AND LABOR.

The SPEAKER pro tempore laid before the House the bill (S. 569) to establish the department of commerce and labor, with House amendment disagreed to by the Senate.

Mr. HEPBURN. Mr. Speaker, I move that the House insist upon its amendment and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from Iowa moves that the House insist upon its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER pro tempore announced the appointment of the following conferees: Mr. HEPBURN, Mr. MANN, and Mr. RICHARDSON of Alabama.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 1193. An act to correct the military record of Henry M. Holmes;

H. R. 6467. An act granting an honorable discharge to Samuel Welch; and

H. R. 15711. An act to authorize the construction of a bridge across the Clinch River, in the State of Tennessee, by the Knoxville, Lafollette and Jellico Railroad Company.

#### LEAVE TO EXTEND REMARKS.

Mr. SMITH of Arizona. Mr. Speaker, on yesterday I submitted some remarks on the question of a certain bonded indebtedness of Pima County, Ariz. I would like unanimous consent to extend my remarks so as to give the correct history of the matter.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to extend remarks made yesterday when

the Indian appropriation bill was pending. Is there objection? [After a pause.] The Chair hears none.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

Mr. PATTERSON of Tennessee. Before that motion is put, Mr. Speaker, I would like to ask permission of the House to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from California moves that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joe M. Moon, administrator of estate of Joel P. Maxwell, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter relating to transfer of custody and control of the post-office buildings at Kingfisher and Perry, Okla., from the Interior Department to the Treasury Department—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for care of civil records of the military government of occupation of Cuba—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the tests of iron, steel, and other material for industrial purposes at the Watertown Arsenal—to the Committee on Manufactures, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of Julian Pedrera—to the Committee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DE ARMOND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted a minority report (No. 3375, part 2); which said bill and minority report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 14164) for the relief of Charles W. Carr, reported the same with amendments, accompanied by a report (No. 3414); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 679) directing the issue of a check in lieu of a lost check drawn by Capt. E. O. Fechét, disbursing officer United States Signal Service Corps, in favor of the Bishop Gutta Percha Company, reported the same without amendment, accompanied by a report (No. 3415); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BRISTOW: A bill (H. R. 17128) to increase the salary of the President of the United States—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 17129) to increase the limit of cost for the erection of the Government building at Janesville, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BROMWELL: A bill (H. R. 17130) providing for taking the state of the meters in the public buildings in the city of Washington, D. C.—to the Committee on Appropriations.

By Mr. BENTON (by request): A bill (H. R. 17146) to provide for the inspection of the records of the health office of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BELMONT: A bill (H. R. 17147) to promote the commerce and foster the merchant marine of the United States by the allowance to United States vessels of rebates on customs duties and tonnage dues—to the Committee on Ways and Means.

By Mr. BOREING: A bill (H. R. 17148) to fix the salary of the judge of the district court of Porto Rico—to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: A bill (H. R. 17149) to authorize the board of commissioners of the Connecticut bridge and highway district to construct a bridge across the Connecticut River at Hartford, in the State of Connecticut—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A resolution (H. Res. 419) that the bills H. R. 17 and H. R. 16458 shall be in order for consideration, and so forth, until disposed of by the House—to the Committee on Rules.

By Mr. DAYTON: A resolution (H. Res. 421) requesting information from the Secretary of the Navy with reference to a permanent programme for the steady increase, equipment, and manning of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. SHALLENBERGER: A memorial of the Nebraska State senate, recommending an appropriation to conduct irrigation experiments and investigations—to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRISTOW: A bill (H. R. 17131) granting an increase of pension to Joseph Whitman—to the Committee on Invalid Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 17132) granting a pension to Margaret Flynn—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 17133) granting a pension to Kathinka Sichel—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 17134) granting a pension to Rev. James M. Simms—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 17135) granting an increase of pension to Richard McAuliffe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17136) granting an increase of pension to Ralph A. Adams—to the Committee on Pensions.

Also, a bill (H. R. 17137) granting a pension to Catherine Brown—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 17138) granting a pension to Mrs. Icie Ballew—to the Committee on Pensions.

By Mr. MICKEY: A bill (H. R. 17139) granting a pension to Dennis L. Burford—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 17140) granting a pension to William Johnson—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 17141) granting a pension to Annie Duffy, mother of Joseph P. Cook—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 17142) granting a pension to June Baker—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 17143) granting an increase of pension to John A. Baughman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17144) granting an increase of pension to Henry Brown—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 17145) authorizing the appointment of Eugene L. Swift to the active list of the Army—to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 17150) extending the time for making proof and payment for all lands taken under the desert-land laws by the members of the Colorado Cooperative Colony for a further period of three years—to the Committee on the Public Lands.

By Mr. BRUNDIDGE: A bill (H. R. 17151) for relief of the estate of Allen Woolley, deceased—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 17152) granting a pension to Edward R. Chapman—to the Committee on Pensions.

Also, a bill (H. R. 17153) granting an increase of pension to A. B. Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17154) granting a pension to June McGrue—to the Committee on Invalid Pensions.



## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of officers and members of the American National Red Cross, relating to amended by-laws recently adopted at a meeting of that organization—to the Committee on Foreign Affairs.

By Mr. BURLEIGH: Resolution of Local Union No. 459, Brotherhood of Carpenters and Joiners, Bar Harbor, Me., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CONNELL: Resolutions of the Chicago Board of Trade, against the incorporation of the Interstate Commerce Commission into the department of commerce bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Old Soldiers' Republican Club, of Vanderburg County, Ind., asking that honorably discharged soldiers of the civil war be placed on the pension roll at \$12 per month—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolution of Cigar Makers' Union No. 290, of Janesville, Wis., for the repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. DALZELL: Petition of retail druggists of Greensburg, Pa., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Petition of William Moore, of Turney, Mo., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. DOVENER (by request): Petition of the Woman's Christian Temperance Union of Fairmount, W. Va., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of W. D. Alexander and 38 other citizens of Thomasville, W. Va., asking that navigation of the Ohio River be improved so as to provide a 9-foot draft at extreme low water from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. DRAPER: Resolution of the Central Federation of Labor of Troy, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. GARDNER of Massachusetts: Petition of druggists of Haverhill, Mass., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of New Bedford Board of Trade favoring passage of House bill 163, with regard to granting pensions to certain officers and men of the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. GORDON: Petition of J. L. Hoffman and other retail druggists of Wapakoneta, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of Woman's Christian Temperance Union, of Lockington, Ohio, in favor of legislation in restraint of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Buckeye Lodge, No. 35, of Gallia, Ohio, Brotherhood of Railroad Trainmen, in favor of the passage of the safety appliance bill—to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Petition of 154 citizens of Louisville, Ky., for the improvement of the Ohio River from Pittsburg to Cairo—to the Committee on Rivers and Harbors.

By Mr. KEHOE: Petitions of sundry citizens of Dover, Maysville, and Catlettsburg, Ky., for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

By Mr. LEWIS of Georgia: Paper to accompany House bill 16906, granting a pension to Ellender C. Miller—to the Committee on Pensions.

Also, papers to accompany House bill 16908, granting an increase of pension to Matilda Burks—to the Committee on Pensions.

By Mr. LLOYD: Petition of Frank Smith, of Leonard, Mo., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MERCER: Resolution of the Nebraska Irrigation Association with reference to agricultural bill—to the Committee on Agriculture.

By Mr. MEYER of Louisiana: Resolutions of the Cotton Exchange, Board of Trade, and board of health, of the city of New Orleans, La., favoring a pension to the widow of Walter Reed, late surgeon, United States Army—to the Committee on Pensions.

By Mr. MILLER: Petitions of the Christian Brotherhood and First Methodist Episcopal Church of Burlingame, Kans., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MINOR: Petition of the Annen Candy and Biscuit Company, favoring House bill 178—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of the Woman's Christian Temper-

ance Union of Fairhaven, N. Y., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Fairhaven, N. Y., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUCKER: Petitions of retail druggists of Norbourn, Brookfield, Bucklin, Moberly, and Spickard, Mo., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Petition of Jacob Dambach and other retail druggists of Hayes Center, Nebr., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, paper to accompany House bill 17067, to grant a medal to G. W. Churchill—to the Committee on Military Affairs.

Also, resolutions of the Nebraska Irrigation Association in relation to the agricultural bill and irrigation—to the Committee on Agriculture.

By Mr. SHERMAN: Resolution of the Trades Assembly of Utica, N. Y., for the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. SNOOK: Papers to accompany House bill for increase of pension of John A. Baughman, Defiance, Ohio—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Henry Brown, Groverhill, Ohio—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Resolutions of various churches, signed by their respective pastors, for the early consideration of the antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SPERRY: Resolutions of Hartford Lodge, No. 108, Order of Sons of Benjamin, Hartford, Conn., relative to immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of citizens of Branford, Conn., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to S. H. Morris—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Edward R. Chapman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to A. B. Melton—to the Committee on Invalid Pensions.

By Mr. WOODS: Resolutions of the Chamber of Commerce of San Francisco, Cal., asking Congress to grant an American register to the British bark *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

By Mr. YOUNG: Letter of C. H. Leonard, Grand Rapids, Mich., proposing a divisible postal currency—to the Committee on the Post-Office and Post-Roads.

## SENATE.

FRIDAY, January 30, 1903.

Rev. F. J. PRETTYMAN, of the city of Washington, offered the following prayer:

Almighty God, we give Thee all honor and glory and praise forever and ever. Thy name is above every name. From Thee cometh every good and perfect gift.

We bless Thee to-day for the type of citizenship which has been produced by American institutions, for every refining influence that surrounds the home life, for the ample means for the education of the people, and for the high ideals of civil and social honor.

We praise Thee for the master spirits who have in times past wrought their thought and life into American law, and going to their reward above have left to us the rich inheritance of their lives. Their memory abides as a gentle benediction upon those who follow their noble example, and as an inspiration amid the pressing cares of the present. Help us to emulate their lofty deeds and to honor them by our endeavor to extend and perpetuate their unselfish patriotism. With every thought of those who have been the beacon lights in our history, with every tender memory of their presence in this Chamber, may we have the inspiration of this cloud of witnesses commanding us to yet follow in the path of duty and honor.

Let Thy blessing rest upon every thought of this Senate to-day. May all redound to the honor and glory of Thy name. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.